

In the Senate of the United States,

July 13, 2000.

Resolved, That the bill from the House of Representatives (H.R. 4205) entitled “An Act to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “National Defense Au-*
3 *thorization Act for Fiscal Year 2001”.*

1 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
 2 **CONTENTS.**

3 (a) *DIVISIONS.*—*This Act is organized into three divi-*
 4 *sions as follows:*

5 (1) *Division A—Department of Defense Author-*
 6 *izations.*

7 (2) *Division B—Military Construction Author-*
 8 *izations.*

9 (3) *Division C—Department of Energy National*
 10 *Security Authorizations and Other Authorizations.*

11 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 12 *this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees defined.

**DIVISION A—DEPARTMENT OF DEFENSE
AUTHORIZATIONS**

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Defense Inspector General.

Sec. 106. Chemical demilitarization program.

Sec. 107. Defense health programs.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for certain programs.

Sec. 112. Reports and limitations relating to Army transformation.

Sec. 113. Rapid intravenous infusion pumps.

Subtitle C—Navy Programs

Sec. 121. CVNX-1 nuclear aircraft carrier program.

Sec. 122. Arleigh Burke class destroyer program.

Sec. 123. Virginia class submarine program.

Sec. 124. ADC(X) ship program.

- Sec. 125. Refueling and complex overhaul program of the CVN-69 nuclear aircraft carrier.*
- Sec. 126. Remanufactured AV-8B aircraft.*
- Sec. 127. Anti-personnel obstacle breaching system.*

Subtitle D—Air Force Programs

- Sec. 131. Repeal of requirement for annual report on B-2 bomber aircraft program.*
- Sec. 132. Conversion of AGM-65 Maverick missiles.*

Subtitle E—Other Matters

- Sec. 141. Pueblo Chemical Depot chemical agent and munitions destruction technologies.*
- Sec. 142. Integrated bridge systems for naval systems special warfare rigid inflatable boats and high-speed assault craft.*
- Sec. 143. Repeal of prohibition on use of Department of Defense funds for procurement of nuclear-capable shipyard crane from a foreign source.*

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.*
- Sec. 202. Amount for basic and applied research.*
- Sec. 203. Additional authorization for research, development, test, and evaluation on weathering and corrosion of aircraft surfaces and parts.*

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Fiscal year 2002 joint field experiment.*
- Sec. 212. Nuclear aircraft carrier design and production modeling.*
- Sec. 213. DD-21 class destroyer program.*
- Sec. 214. F-22 aircraft program.*
- Sec. 215. Joint strike fighter program.*
- Sec. 216. Global Hawk high altitude endurance unmanned aerial vehicle.*
- Sec. 217. Unmanned advanced capability aircraft and ground combat vehicles.*
- Sec. 218. Army space control technology development.*
- Sec. 219. Russian American Observation Satellites program.*
- Sec. 220. Joint biological defense program.*
- Sec. 221. Report on biological warfare defense vaccine research and development programs.*
- Sec. 222. Technologies for detection and transport of pollutants attributable to live-fire activities.*
- Sec. 223. Acoustic mine detection.*
- Sec. 224. Operational technologies for mounted maneuver forces.*
- Sec. 225. Air logistics technology.*
- Sec. 226. Precision Location and Identification Program (PLAID).*
- Sec. 227. Navy Information Technology Center and Human Resource Enterprise Strategy.*
- Sec. 228. Joint Technology Information Center Initiative.*
- Sec. 229. Ammunition risk analysis capabilities.*
- Sec. 230. Funding for comparisons of medium armored combat vehicles.*

Subtitle C—Other Matters

- Sec. 241. Mobile offshore base.*
Sec. 242. Air Force science and technology planning.
Sec. 243. Enhancement of authorities regarding education partnerships for purposes of encouraging scientific study.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.*
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 311. Impact aid for children with disabilities.*
Sec. 312. Joint warfighting capabilities assessment teams.
Sec. 313. Weatherproofing of facilities at Keesler Air Force Base, Mississippi.
Sec. 314. Demonstration project for Internet access and services in rural communities.
Sec. 315. Tethered Aerostat Radar System (TARS) sites.
Sec. 316. Mounted Urban Combat Training site, Fort Knox, Kentucky.
Sec. 317. MK-45 overhaul.
Sec. 318. Industrial mobilization capacity at Government-owned, Government-operated Army ammunition facilities and arsenals.
Sec. 319. Close-in weapon system overhauls.
Sec. 320. Spectrum data base upgrades.

Subtitle C—Humanitarian and Civic Assistance

- Sec. 321. Increased authority to provide health care services as humanitarian and civic assistance.*
Sec. 322. Use of humanitarian and civic assistance funding for pay and allowances of Special Operations Command Reserves furnishing demining training and related assistance as humanitarian assistance.

Subtitle D—Department of Defense Industrial Facilities

- Sec. 331. Codification and improvement of armament retooling and manufacturing support programs.*
Sec. 332. Centers of Industrial and Technical Excellence.
Sec. 333. Effects of outsourcing on overhead costs of Centers of Industrial and Technical Excellence and ammunition plants.
Sec. 334. Revision of authority to waive limitation on performance of depot-level maintenance.
Sec. 335. Unutilized and underutilized plant-capacity costs of United States arsenals.

Subtitle E—Environmental Provisions

- Sec. 341. Environmental restoration accounts.*
Sec. 342. Payment of fines and penalties for environmental compliance violations.

- Sec. 343. Annual reports under Strategic Environmental Research and Development Program.*
- Sec. 344. Payment of fines or penalties imposed for environmental compliance violations at certain Department of Defense facilities.*
- Sec. 345. Reimbursement for certain costs in connection with the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.*
- Sec. 346. Environmental restoration activities.*
- Sec. 347. Ship disposal project.*
- Sec. 348. Report on Defense Environmental Security Corporate Information Management program.*
- Sec. 349. Report on Plasma Energy Pyrolysis System.*

Subtitle F—Other Matters

- Sec. 361. Effects of worldwide contingency operations on readiness of certain military aircraft and equipment.*
- Sec. 362. Realistic budgeting for readiness requirements of the Army.*
- Sec. 363. Additions to plan for ensuring visibility over all in-transit end items and secondary items.*
- Sec. 364. Performance of emergency response functions at chemical weapons storage installations.*
- Sec. 365. Congressional notification of use of radio frequency spectrum by a system entering engineering and manufacturing development.*
- Sec. 366. Monitoring of value of performance of Department of Defense functions by workforces selected from between public and private workforces.*
- Sec. 367. Suspension of reorganization of Naval Audit Service.*
- Sec. 368. Investment of commissary trust revolving fund.*
- Sec. 369. Economic procurement of distilled spirits.*
- Sec. 370. Resale of armor-piercing ammunition disposed of by the Army.*
- Sec. 371. Damage to aviation facilities caused by alkali silica reactivity.*
- Sec. 372. Reauthorization of pilot program for acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft.*
- Sec. 373. Reimbursement by civil air carriers for support provided at Johnston Atoll.*
- Sec. 374. Review of costs of maintaining historical properties.*
- Sec. 375. Extension of authority to sell certain aircraft for use in wildfire suppression.*
- Sec. 376. Overseas airlift service on civil reserve air fleet aircraft.*
- Sec. 377. Defense travel system.*
- Sec. 378. Review of AH-64 aircraft program.*
- Sec. 379. Assistance for maintenance, repair, and renovation of school facilities that serve dependents of members of the Armed Forces and Department of Defense civilian employees.*
- Sec. 380. Postponement of implementation of Defense Joint Accounting System (DJAS) pending analysis of the system.*

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.*

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.*
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.*

- Sec. 413. End strengths for military technicians (dual status).*
Sec. 414. Fiscal year 2001 limitation on non-dual status technicians.
Sec. 415. Increase in numbers of members in certain grades authorized to be on active duty in support of the reserves.

Subtitle C—Other Matters Relating to Personnel Strengths

- Sec. 421. Suspension of strength limitations during war or national emergency.*
Sec. 422. Exclusion of certain reserve component members on active duty for more than 180 days from active component end strengths.
Sec. 423. Exclusion of Army and Air Force medical and dental officers from limitation on strengths of reserve commissioned officers in grades below brigadier general.
Sec. 424. Authority for temporary increases in number of reserve personnel serving on active duty or full-time National Guard duty in certain grades.
Sec. 425. Temporary exemption of Director of the National Security Agency from limitations on number of Air Force officers above major general.

Subtitle D—Authorization of Appropriations

- Sec. 431. Authorization of appropriations for military personnel.*

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Eligibility of Army Reserve colonels and brigadier generals for position vacancy promotions.*
Sec. 502. Promotion zones for Coast Guard Reserve officers.
Sec. 503. Time for release of officer promotion selection board reports.
Sec. 504. Clarification of authority for posthumous commissions and warrants.
Sec. 505. Inapplicability of active-duty list promotion, separation, and involuntary retirement authorities to reserve general and flag officers serving in certain positions designated for reserve officers by the Chairman of the Joint Chiefs of Staff.
Sec. 506. Review of actions of selection boards.
Sec. 507. Extension to all Air Force biomedical sciences officers of authority to retain until specified age.
Sec. 508. Termination of application requirement for consideration of officers for continuation on the Reserve Active-Status List.
Sec. 509. Technical corrections relating to retired grade of reserve commissioned officers.
Sec. 510. Grade of chiefs of reserve components and directors of National Guard components.
Sec. 511. Contingent exemption from limitation on number of Air Force officers serving on active duty in grades above major general.

Subtitle B—Joint Officer Management

- Sec. 521. Joint specialty designations and additional identifiers.*
Sec. 522. Promotion objectives.
Sec. 523. Education.
Sec. 524. Length of joint duty assignment.
Sec. 525. Annual report to Congress.
Sec. 526. Multiple assignments considered as single joint duty assignment.
Sec. 527. Joint duty requirement for promotion to one-star grades.

Subtitle C—Education and Training

- Sec. 541. Eligibility of children of Reserves for Presidential appointment to service academies.*
- Sec. 542. Selection of foreign students to receive instruction at service academies.*
- Sec. 543. Repeal of contingent funding increase for Junior Reserve Officers Training Corps.*
- Sec. 544. Revision of authority for Marine Corps Platoon Leaders Class tuition assistance program.*

Subtitle D—Matters Relating to Recruiting

- Sec. 551. Army recruiting pilot programs.*
- Sec. 552. Enhancement of the joint and service recruitment market research and advertising programs.*
- Sec. 553. Access to secondary schools for military recruiting purposes.*

Subtitle E—Military Voting Rights Act of 2000

- Sec. 561. Short title.*
- Sec. 562. Guarantee of residency.*
- Sec. 563. State responsibility to guarantee military voting rights.*

Subtitle F—Other Matters

- Sec. 571. Authority for award of Medal of Honor to certain specified persons.*
- Sec. 572. Waiver of time limitations for award of certain decorations to certain persons.*
- Sec. 573. Ineligibility for involuntary separation pay upon declination of selection for continuation on active duty.*
- Sec. 574. Recognition by States of military testamentary instruments.*
- Sec. 575. Sense of Congress on the court-martial conviction of Captain Charles Butler McVay, Commander of the U.S.S. Indianapolis, and on the courageous service of its crew.*
- Sec. 576. Senior officers in command in Hawaii on December 7, 1941.*
- Sec. 577. Verbatim records in special courts-martial.*
- Sec. 578. Management and per diem requirements for members subject to lengthy or numerous deployments.*
- Sec. 579. Extension of TRICARE managed care support contracts.*
- Sec. 580. Preparation, participation, and conduct of athletic competitions and small arms competitions by the National Guard and members of the National Guard.*

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Increase in basic pay for fiscal year 2001.*
- Sec. 602. Corrections for basic pay tables.*
- Sec. 603. Pay in lieu of allowance for funeral honors duty.*
- Sec. 604. Clarification of service excluded in computation of creditable service as a Marine Corps officer.*
- Sec. 605. Calculation of basic allowance for housing.*
- Sec. 606. Eligibility of members in grade E-4 to receive basic allowance for housing while on sea duty.*

Sec. 607. Personal money allowance for the senior enlisted members of the Armed Forces.

Sec. 608. Increased uniform allowances for officers.

Sec. 609. Cabinet-level authority to prescribe requirements and allowance for clothing of enlisted members.

Sec. 610. Special subsistence allowance for members eligible to receive food stamp assistance.

Sec. 610A. Restructuring of basic pay tables for certain enlisted members.

Sec. 610B. Basic allowance for housing.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonuses and special pay authorities for reserve forces.

Sec. 612. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.

Sec. 613. Extension of authorities relating to payment of other bonuses and special pays.

Sec. 614. Consistency of authorities for special pay for reserve medical and dental officers.

Sec. 615. Special pay for physician assistants of the Coast Guard.

Sec. 616. Authorization of special pay and accession bonus for pharmacy officers.

Sec. 617. Correction of references to Air Force veterinarians.

Sec. 618. Entitlement of active duty officers of the Public Health Service Corps to special pays and bonuses of health professional officers of the Armed Forces.

Sec. 619. Career sea pay.

Sec. 620. Increased maximum rate of special duty assignment pay.

Sec. 621. Expansion of applicability of authority for critical skills enlistment bonus to include all Armed Forces.

Sec. 622. Entitlement of members of the National Guard and other reserves not on active duty to receive special duty assignment pay.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Advance payments for temporary lodging of members and dependents.

Sec. 632. Incentive for shipping and storing household goods in less than average weights.

Sec. 633. Expansion of funded student travel.

Sec. 634. Benefits for members not transporting personal motor vehicles overseas.

Subtitle D—Retirement Benefits

Sec. 641. Exception to high-36 month retired pay computation for members retired following a disciplinary reduction in grade.

Sec. 642. Automatic participation in reserve component Survivor Benefit Plan unless declined with spouse's consent.

Sec. 643. Participation in Thrift Savings Plan.

Sec. 644. Retirement from active reserve service after regular retirement.

Sec. 645. Same treatment for Federal judges as for other Federal officials regarding payment of military retired pay.

Sec. 646. Policy on increasing minimum survivor benefit plan basic annuities for surviving spouses age 62 or older.

Sec. 647. Survivor benefit plan annuities for survivors of all members who die on active duty.

Sec. 648. Family coverage under servicemembers' group life insurance.

- Sec. 649. Fees paid by residents of the Armed Forces Retirement Home.*
Sec. 650. Computation of survivor benefits.
Sec. 651. Equitable application of early retirement eligibility requirements to military reserve technicians.
Sec. 652. Concurrent payment to surviving spouses of disability and indemnity compensation and annuities under Survivor Benefit Plan.

Subtitle E—Other Matters

- Sec. 661. Reimbursement of recruiting and ROTC personnel for parking expenses.*
Sec. 662. Extension of deadline for filing claims associated with capture and internment of certain persons by North Vietnam.
Sec. 663. Settlement of claims for payments for unused accrued leave and for retired pay.
Sec. 664. Eligibility of certain members of the Individual Ready Reserve for Servicemembers' Group Life Insurance.
Sec. 665. Authority to pay gratuity to certain veterans of Bataan and Corregidor.
Sec. 666. Concurrent payment of retired pay and compensation for retired members with service-connected disabilities.
Sec. 667. Travel by reserves on military aircraft to and from locations outside the continental United States for inactive-duty training.
Sec. 668. Additional benefits and protections for personnel incurring injury, illness, or disease in the performance of funeral honors duty.
Sec. 669. Determinations of income eligibility for special supplemental food program.
Sec. 670. Modification of time for use by certain members of the Selected Reserve of entitlement to educational assistance.
Sec. 671. Recognition of members of the Alaska Territorial Guard as veterans.
Sec. 672. Clarification of Department of Veterans Affairs duty to assist.
Sec. 673. Back pay for members of the Navy and Marine Corps approved for promotion while interned as prisoners of war during World War II.

Subtitle F—Education Benefits

- Sec. 681. Short title.*
Sec. 682. Transfer of entitlement to educational assistance by certain members of the Armed Forces.
Sec. 683. Participation of additional members of the Armed Forces in Montgomery GI Bill program.
Sec. 684. Modification of authority to pay tuition for off-duty training and education.
Sec. 685. Modification of time for use by certain members of Selected Reserve of entitlement to certain educational assistance.

Subtitle G—Additional Benefits For Reserves and Their Dependents

- Sec. 691. Sense of Congress.*
Sec. 692. Travel by Reserves on military aircraft.
Sec. 693. Billeting services for Reserve members traveling for inactive duty training.
Sec. 694. Increase in maximum number of reserve retirement points that may be credited in any year.
Sec. 695. Authority for provision of legal services to reserve component members following release from active duty.

TITLE VII—HEALTH CARE

Subtitle A—Senior Health Care

Sec. 701. Conditions for eligibility for CHAMPUS upon the attainment of 65 years of age.

Subtitle B—TRICARE Program

Sec. 711. Additional beneficiaries under TRICARE Prime Remote program in CONUS.

Sec. 712. Elimination of copayments for immediate family.

Sec. 713. Improvement in business practices in the administration of the TRICARE program.

Sec. 714. Improvement of access to health care under the TRICARE program.

Sec. 715. Enhancement of access to TRICARE in rural States.

Subtitle C—Joint Initiatives With Department of Veterans Affairs

Sec. 721. Tracking patient safety in military and veterans health care systems.

Sec. 722. Pharmaceutical identification technology.

Sec. 723. Medical informatics.

Subtitle D—Other Matters

Sec. 731. Permanent authority for certain pharmaceutical benefits.

Sec. 732. Provision of domiciliary and custodial care for CHAMPUS beneficiaries.

Sec. 733. Medical and dental care for Medal of Honor recipients and their dependents.

Sec. 734. School-required physical examinations for certain minor dependents.

Sec. 735. Two-year extension of dental and medical benefits for surviving dependents of certain deceased members.

Sec. 736. Extension of authority for contracts for medical services at locations outside medical treatment facilities.

Sec. 737. Transition of chiropractic health care demonstration program to permanent status.

Sec. 738. Use of information technology for enhancement of delivery of administrative services under the Defense Health Program.

Sec. 739. Patient care reporting and management system.

Sec. 740. Health care management demonstration program.

Sec. 741. Studies of accrual financing for health care for military retirees.

Sec. 742. Augmentation of Army Medical Department by reserve officers of the Public Health Service.

Sec. 743. Service areas of transferees of former uniformed services treatment facilities that are included in the uniformed services health care delivery system.

Sec. 744. Blue ribbon advisory panel on Department of Defense policies regarding the privacy of individual medical records.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Sec. 801. Improvements in procurements of services.

Sec. 802. Addition of threshold value requirement for applicability of a reporting requirement relating to multiyear contract.

- Sec. 803. Planning for the acquisition of information systems.*
- Sec. 804. Tracking of information technology purchases.*
- Sec. 805. Repeal of requirement for contractor assurances regarding the completeness, accuracy, and contractual sufficiency of technical data provided by the contractor.*
- Sec. 806. Extension of authority for Department of Defense acquisition pilot programs.*
- Sec. 807. Clarification and extension of authority to carry out certain prototype projects.*
- Sec. 808. Clarification of authority of Comptroller General to review records of participants in certain prototype projects.*
- Sec. 809. Eligibility of small business concerns owned and controlled by women for assistance under the Mentor-Protege Program.*
- Sec. 810. Navy-Marine Corps intranet acquisition.*
- Sec. 811. Qualifications required for employment and assignment in contracting positions.*
- Sec. 812. Defense acquisition and support workforce.*
- Sec. 813. Financial analysis of use of dual rates for quantifying overhead costs at Army industrial facilities.*
- Sec. 814. Revision of the organization and authority of the Cost Accounting Standards Board.*
- Sec. 815. Revision of authority for solutions-based contracting pilot program.*
- Sec. 816. Appropriate use of personnel experience and educational requirements in the procurement of information technology services.*
- Sec. 817. Study of Office of Management and Budget Circular A-76 process.*
- Sec. 818. Procurement notice through electronic access to contracting opportunities.*

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

- Sec. 901. Repeal of limitation on major Department of Defense headquarters activities personnel.*
- Sec. 902. Overall supervision of Department of Defense activities for combating terrorism.*
- Sec. 903. National Defense Panel 2001.*
- Sec. 904. Quadrennial National Defense Panel.*
- Sec. 905. Inspector General investigations of prohibited personnel actions.*
- Sec. 906. Network centric warfare.*
- Sec. 907. Additional duties for the Commission To Assess United States National Security Space Management and Organization.*
- Sec. 908. Special authority for administration of Navy Fisher Houses.*
- Sec. 909. Organization and management of the Civil Air Patrol.*
- Sec. 910. Responsibility for the National Guard Challenge Program.*
- Sec. 911. Supervisory control of Armed Forces Retirement Home Board by Secretary of Defense.*
- Sec. 912. Consolidation of certain Navy gift funds.*
- Sec. 913. Temporary authority to dispose of a gift previously accepted for the Naval Academy.*
- Sec. 914. Management of Navy research funds by Chief of Naval Research.*
- Sec. 915. United States Air Force Institute of Technology.*
- Sec. 916. Expansion of authority to exempt geodetic products of the Department of Defense from public disclosure.*
- Sec. 917. Coordination and facilitation of development of directed energy technologies, systems, and weapons.*

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. Transfer authority.*
- Sec. 1002. Authorization of emergency supplemental appropriations for fiscal year 2000.*
- Sec. 1003. United States contribution to NATO common-funded budgets in fiscal year 2001.*
- Sec. 1004. Annual OMB/CBO joint report on scoring of budget outlays.*
- Sec. 1005. Prompt payment of contract vouchers.*
- Sec. 1006. Repeal of certain requirements relating to timing of contract payments.*
- Sec. 1007. Plan for prompt posting of contractual obligations.*
- Sec. 1008. Plan for electronic submission of documentation supporting claims for contract payments.*
- Sec. 1009. Administrative offsets for overpayment of transportation costs.*
- Sec. 1010. Repeal of certain provisions shifting certain outlays from one fiscal year to another.*
- Sec. 1010A. Treatment of partial payments under service contracts.*

Subtitle B—Counter-Drug Activities

- Sec. 1011. Extension and increase of authority to provide additional support for counter-drug activities.*
- Sec. 1012. Recommendations on expansion of support for counter-drug activities.*
- Sec. 1013. Review of riverine counter-drug program.*

Subtitle C—Strategic Forces

- Sec. 1015. Revised nuclear posture review.*
- Sec. 1016. Plan for the long-term sustainment and modernization of United States strategic nuclear forces.*
- Sec. 1017. Correction of scope of waiver authority for limitation on retirement or dismantlement of strategic nuclear delivery systems; authority to waive limitation.*
- Sec. 1018. Report on the defeat of hardened and deeply buried targets.*
- Sec. 1019. Sense of Senate on the maintenance of the strategic nuclear TRIAD.*

Subtitle D—Miscellaneous Reporting Requirements

- Sec. 1021. Annual report of the Chairman of the Joint Chiefs of Staff on combatant command requirements.*
- Sec. 1022. Semiannual report on Joint Requirements Oversight Council.*
- Sec. 1023. Preparedness of military installation first responders for incidents involving weapons of mass destruction.*
- Sec. 1024. Date of submittal of reports on shortfalls in equipment procurement and military construction for the reserve components in future-years defense programs.*
- Sec. 1025. Management review of Defense Logistics Agency.*
- Sec. 1026. Management review of Defense Information Systems Agency.*
- Sec. 1027. Report on spare parts and repair parts program of the Air Force for the C-5 aircraft.*
- Sec. 1028. Report on the status of domestic preparedness against the threat of biological terrorism.*
- Sec. 1029. Report on global missile launch early warning center.*
- Sec. 1030. Management review of working-capital fund activities.*

- Sec. 1031. Report on submarine rescue support vessels.*
Sec. 1032. Reports on Federal Government progress in developing information assurance strategies.

Subtitle E—Information Security

- Sec. 1041. Institute for Defense Computer Security and Information Protection.*
Sec. 1042. Information security scholarship program.
Sec. 1043. Process for prioritizing background investigations for security clearances for Department of Defense personnel.
Sec. 1044. Authority to withhold certain sensitive information from public disclosure.
Sec. 1045. Protection of operational files of the Defense Intelligence Agency.

Subtitle F—Other Matters

- Sec. 1051. Commemoration of the fiftieth anniversary of the Uniform Code of Military Justice.*
Sec. 1052. Technical corrections.
Sec. 1053. Eligibility of dependents of American Red Cross employees for enrollment in Department of Defense domestic dependent schools in Puerto Rico.
Sec. 1054. Grants to American Red Cross for Armed Forces emergency services.
Sec. 1055. Transit pass program for certain Department of Defense personnel.
Sec. 1056. Fees for providing historical information to the public.
Sec. 1057. Access to criminal history record information for national security purposes.
Sec. 1058. Sense of Congress on the naming of the CVN-77 aircraft carrier.
Sec. 1059. Donation of Civil War cannon.
Sec. 1060. Maximum size of parcel post packages transported overseas for Armed Forces post offices.
Sec. 1061. Aerospace industry Blue Ribbon Commission.
Sec. 1062. Report to Congress regarding extent and severity of child poverty.
Sec. 1063. Improving property management.
Sec. 1064. Sense of the Senate regarding tax treatment of members receiving special pay.
Sec. 1065. Department of Defense process for decisionmaking in cases of false claims.
Sec. 1066. Sense of the Senate concerning long-term economic development aid for communities rebuilding from Hurricane Floyd.
Sec. 1067. Authority to provide headstones or markers for marked graves or otherwise commemorate certain individuals.
Sec. 1068. Comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials.
Sec. 1069. Student loan repayment programs.
Sec. 1070. Sense of the Senate on the modernization of Air National Guard F-16A units.
Sec. 1071. Two-year extension of authority to engage in commercial activities as security for intelligence collection activities.
Sec. 1072. Firefighter investment and response enhancement.
Sec. 1073. Breast cancer stamp extension.
Sec. 1074. Personnel security policies.
Sec. 1075. Additional matters for annual report on transfers of militarily sensitive technology to countries and entities of concern.
Sec. 1076. National security implications of United States-China trade relationship.

Sec. 1077. Secrecy policies and worker health.

**TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN
PERSONNEL POLICY**

Sec. 1101. Computer/electronic accommodations program.

Sec. 1102. Additional special pay for foreign language proficiency beneficial for United States national security interests.

Sec. 1103. Increased number of positions authorized for the Defense Intelligence Senior Executive Service.

Sec. 1104. Extension of authority for tuition reimbursement and training for civilian employees in the defense acquisition workforce.

Sec. 1105. Work safety demonstration program.

Sec. 1106. Employment and compensation of employees for temporary organizations established by law or Executive order.

Sec. 1107. Extension of authority for voluntary separations in reductions in force.

Sec. 1108. Electronic maintenance of performance appraisal systems.

Sec. 1109. Approval authority for cash awards in excess of \$10,000.

Sec. 1110. Leave for crews of certain vessels.

Sec. 1111. Life insurance for emergency essential Department of Defense employees.

Sec. 1112. Civilian personnel services public-private competition pilot program.

Sec. 1113. Extension, expansion, and revision of authority for experimental personnel program for scientific and technical personnel.

Sec. 1114. Clarification of personnel management authority under a personnel demonstration project.

Sec. 1115. Extension of authority for voluntary separations in reductions in force.

Sec. 1116. Extension, revision, and expansion of authorities for use of voluntary separation incentive pay and voluntary early retirement.

Sec. 1117. Department of Defense employee voluntary early retirement authority.

Sec. 1118. Restrictions on payments for academic training.

Sec. 1119. Strategic plan.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Sec. 1201. Authority to transfer naval vessels to certain foreign countries.

Sec. 1202. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.

Sec. 1203. Repeal of restriction preventing cooperative airlift support through acquisition and cross-servicing agreements.

Sec. 1204. Western Hemisphere Institute for Professional Education and Training.

Sec. 1205. Biannual report on Kosovo peacekeeping.

Sec. 1206. Mutual assistance for monitoring test explosions of nuclear devices.

Sec. 1207. Annual report on activities and assistance under Cooperative Threat Reduction programs.

Sec. 1208. Limitation on use of funds for construction of a Russian facility for the destruction of chemical weapons.

Sec. 1209. Limitation on use of funds for Elimination of Weapons Grade Plutonium Program.

Sec. 1210. Sense of Congress regarding the use of children as soldiers.

Sec. 1211. Support of consultations on Arab and Israeli arms control and regional security issues.

- Sec. 1212. Authority to consent to retransfer of alternative former naval vessel by Government of Greece.*
- Sec. 1213. United States-Russian Federation joint data exchange center on early warning systems and notification of missile launches.*
- Sec. 1214. Adjustment of composite theoretical performance levels of high performance computers.*

TITLE XIII—NAVY ACTIVITIES ON THE ISLAND OF VIEQUES, PUERTO RICO

- Sec. 1301. Assistance for economic growth on Vieques.*
- Sec. 1302. Requirement for referendum on continuation of Navy training.*
- Sec. 1303. Actions if training is approved.*
- Sec. 1304. Requirements if training is not approved or mandate for referendum is vitiated.*
- Sec. 1305. Exempt property.*
- Sec. 1306. Moratorium on improvements at Fort Buchanan.*
- Sec. 1307. Property transferred to Secretary of the Interior.*
- Sec. 1308. Live Impact Area.*

TITLE XIV—GOVERNMENT INFORMATION SECURITY REFORM

- Sec. 1401. Short title.*
- Sec. 1402. Coordination of Federal information policy.*
- Sec. 1403. Responsibilities of certain agencies.*
- Sec. 1404. Technical and conforming amendments.*
- Sec. 1405. Effective date.*

TITLE XV—LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2000

- Sec. 1501. Short title.*
- Sec. 1502. Findings.*
- Sec. 1503. Definition of hate crime.*
- Sec. 1504. Support for criminal investigations and prosecutions by State and local law enforcement officials.*
- Sec. 1505. Grant program.*
- Sec. 1506. Authorization for additional personnel to assist State and local law enforcement.*
- Sec. 1507. Prohibition of certain hate crime acts.*
- Sec. 1508. Duties of Federal Sentencing Commission.*
- Sec. 1509. Statistics.*
- Sec. 1510. Severability.*

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.*

TITLE XXI—ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.*
- Sec. 2102. Family housing.*
- Sec. 2103. Improvements to military family housing units.*
- Sec. 2104. Authorization of appropriations, Army.*
- Sec. 2105. Modification of authority to carry out certain fiscal year 2000 projects.*

Sec. 2106. Modification of authority to carry out certain fiscal year 1999 projects.

Sec. 2107. Modification of authority to carry out fiscal year 1998 project.

Sec. 2108. Authority to accept funds for realignment of certain military construction project, Fort Campbell, Kentucky.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Correction in authorized use of funds, Marine Corps Combat Development Command, Quantico, Virginia.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Energy conservation projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Sec. 2404. Modification of authority to carry out certain fiscal year 1990 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

Sec. 2602. Authorization for contribution to construction of airport tower, Cheyenne Airport, Cheyenne, Wyoming.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

Sec. 2702. Extension of authorizations of certain fiscal year 1998 projects.

Sec. 2703. Extension of authorizations of certain fiscal year 1997 projects.

Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Joint use military construction projects.

- Sec. 2802. Exclusion of certain costs from determination of applicability of limitation on use of funds for improvement of family housing.*
- Sec. 2803. Replacement of limitations on space by pay grade of military family housing with requirement for local comparability of military family housing.*
- Sec. 2804. Modification of lease authority for high-cost military family housing.*
- Sec. 2805. Applicability of competition policy to alternative authority for acquisition and improvement of military housing.*
- Sec. 2806. Provision of utilities and services under alternative authority for acquisition and improvement of military housing.*
- Sec. 2807. Extension of alternative authority for acquisition and improvement of military housing.*
- Sec. 2808. Inclusion of readiness center in definition of armory for purposes of construction of reserve component facilities.*

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Increase in threshold for reports to Congress on real property transactions.*
- Sec. 2812. Enhancements of military lease authority.*
- Sec. 2813. Expansion of procedures for selection of conveyees under authority to convey utility systems.*

Subtitle C—Defense Base Closure and Realignment

- Sec. 2821. Scope of agreements to transfer property to redevelopment authorities without consideration under the base closure laws.*

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

- Sec. 2831. Land conveyance, Charles Melvin Price Support Center, Illinois.*
- Sec. 2832. Land conveyance, Lieutenant General Malcolm Hay Army Reserve Center, Pittsburgh, Pennsylvania.*
- Sec. 2833. Land conveyance, Colonel Harold E. Steele Army Reserve Center and Maintenance Shop, Pittsburgh, Pennsylvania.*
- Sec. 2834. Land conveyance, Fort Lawton, Washington.*
- Sec. 2835. Land conveyance, Vancouver Barracks, Washington.*
- Sec. 2836. Land conveyance, Fort Riley, Kansas.*
- Sec. 2837. Land conveyance, Army Reserve Center, Winona, Minnesota.*

PART II—NAVY CONVEYANCES

- Sec. 2851. Modification of land conveyance, Marine Corps Air Station, El Toro, California.*
- Sec. 2852. Modification of land conveyance, Defense Fuel Supply Point, Casco Bay, Maine.*
- Sec. 2853. Modification of land conveyance authority, former Naval Training Center, Bainbridge, Cecil County, Maryland.*
- Sec. 2854. Land conveyance, Naval Computer and Telecommunications Station, Cutler, Maine.*
- Sec. 2855. Modification of authority for Oxnard Harbor District, Port Hueneme, California, to use certain Navy property.*
- Sec. 2856. Regarding land conveyance, Marine Corps Base, Camp Lejeune, North Carolina.*

PART III—AIR FORCE CONVEYANCES

Sec. 2861. Modification of land conveyance, Ellsworth Air Force Base, South Dakota.

Sec. 2862. Land conveyance, Los Angeles Air Force Base, California.

Sec. 2863. Land conveyance, Mukilteo Tank Farm, Everett, Washington.

PART IV—DEFENSE AGENCIES CONVEYANCES

Sec. 2871. Land conveyance, Army and Air Force Exchange Service property, Farmers Branch, Texas.

PART V—OTHER CONVEYANCES

Sec. 2881. Land conveyance, former National Ground Intelligence Center, Charlottesville, Virginia.

Subtitle E—Other Matters

Sec. 2891. Naming of Army missile testing range at Kwajalein Atoll as the Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll.

Sec. 2892. Acceptance and use of gifts for construction of third building at United States Air Force Museum, Wright-Patterson Air Force Base, Ohio.

Sec. 2893. Development of Marine Corps Heritage Center at Marine Corps Base, Quantico, Virginia.

Sec. 2894. Activities relating to the greenbelt at Fallon Naval Air Station, Nevada.

Sec. 2895. Sense of Congress regarding land transfers at Melrose Range, New Mexico, and Yakima Training Center, Washington.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS***TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS******Subtitle A—National Security Programs Authorizations***

Sec. 3101. National Nuclear Security Administration.

Sec. 3102. Defense environmental restoration and waste management.

Sec. 3103. Other defense activities.

Sec. 3104. Defense environmental management privatization.

Sec. 3105. Energy employees compensation initiative.

Sec. 3106. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.

Sec. 3122. Limits on general plant projects.

Sec. 3123. Limits on construction projects.

Sec. 3124. Fund transfer authority.

Sec. 3125. Authority for conceptual and construction design.

Sec. 3126. Authority for emergency planning, design, and construction activities.

Sec. 3127. Funds available for all national security programs of the Department of Energy.

Sec. 3128. Availability of funds.

Sec. 3129. Transfer of defense environmental management funds.

Subtitle C—National Nuclear Security Administration

Sec. 3131. Term of office of person first appointed as Under Secretary for Nuclear Security of the Department of Energy.

Sec. 3132. Membership of Under Secretary for Nuclear Security on the Joint Nuclear Weapons Council.

Sec. 3133. Scope of authority of Secretary of Energy to modify organization of National Nuclear Security Administration.

Sec. 3134. Prohibition on pay of personnel engaged in concurrent service or duties inside and outside National Nuclear Security Administration.

Sec. 3135. Organization plan for field offices of the National Nuclear Security Administration.

Sec. 3136. Future-years nuclear security program.

Sec. 3137. Cooperative research and development of the National Nuclear Security Administration.

Sec. 3138. Construction of National Nuclear Security Administration operations office complex.

Subtitle D—Program Authorizations, Restrictions, and Limitations

Sec. 3151. Processing, treatment, and disposition of legacy nuclear materials.

Sec. 3152. Formerly Utilized Sites Remedial Action Program.

Sec. 3153. Department of Energy defense nuclear nonproliferation programs.

Sec. 3154. Modification of counterintelligence polygraph program.

Sec. 3155. Employee incentives for employees at closure project facilities.

Sec. 3156. Conceptual design for Subsurface Geosciences Laboratory at Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho.

Sec. 3157. Tank Waste Remediation System, Hanford Reservation, Richland, Washington.

Sec. 3158. Report on national ignition facility, Lawrence Livermore National Laboratory, Livermore, California.

Subtitle E—National Laboratories Partnership Improvement Act

Sec. 3161. Short title.

Sec. 3162. Definitions.

Sec. 3163. Technology Infrastructure Pilot Program.

Sec. 3164. Small business advocacy and assistance.

Sec. 3165. Technology partnerships ombudsman.

Sec. 3166. Studies related to improving mission effectiveness, partnerships, and technology transfer at National Laboratories.

Sec. 3167. Other transactions authority.

Sec. 3168. Conformance with NNSA organizational structure.

Sec. 3169. Arctic energy.

Subtitle F—Other Matters

Sec. 3171. Extension of authority for appointment of certain scientific, engineering, and technical personnel.

Sec. 3172. Updates of report on nuclear test readiness postures.

- Sec. 3173. Frequency of reports on inadvertent releases of Restricted Data and Formerly Restricted Data.*
- Sec. 3174. Form of certifications regarding the safety or reliability of the nuclear weapons stockpile.*
- Sec. 3175. Engineering and manufacturing research, development, and demonstration by plant managers of certain nuclear weapons production plants.*
- Sec. 3176. Cooperative research and development agreements for Government-owned, contractor-operated laboratories.*
- Sec. 3177. Commendation of Department of Energy and contractor employees for exemplary service in stockpile stewardship and security.*
- Sec. 3178. Adjustment of threshold requirement for submission of reports on advanced computer sales to Tier III foreign countries.*

Subtitle G—Russian Nuclear Complex Conversion

- Sec. 3191. Short title.*
- Sec. 3192. Findings.*
- Sec. 3193. Expansion and enhancement of Nuclear Cities Initiative.*
- Sec. 3194. Sense of Congress on the establishment of a National Coordinator for Nonproliferation Matters.*
- Sec. 3195. Definitions.*

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Defense Nuclear Facilities Safety Board.*

TITLE XXXIII—NAVAL PETROLEUM RESERVES

- Sec. 3301. Minimum price of petroleum sold from the naval petroleum reserves.*
- Sec. 3302. Repeal of authority to contract for cooperative or unit plans affecting Naval Petroleum Reserve Numbered 1.*
- Sec. 3303. Land transfer and restoration.*

TITLE XXXIV—NATIONAL DEFENSE STOCKPILE

- Sec. 3401. Authorized uses of stockpile funds.*
- Sec. 3402. Increased receipts under prior disposal authority.*
- Sec. 3403. Disposal of titanium.*

TITLE XXXV—ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION

- Sec. 3501. Short title.*
- Sec. 3502. Construction with other laws.*
- Sec. 3503. Definitions.*
- Sec. 3504. Expansion of list of beryllium vendors and means of establishing covered beryllium illnesses.*

Subtitle A—Beryllium, Silicosis, and Radiation Compensation

- Sec. 3511. Exposure to hazards in the performance of duty.*
- Sec. 3512. Advisory board on radiation and worker health.*
- Sec. 3513. Designation of additional members of the Special Exposure Cohort.*
- Sec. 3514. Authority to provide compensation and other assistance.*
- Sec. 3515. Alternative compensation.*
- Sec. 3516. Submittal of claims.*

Sec. 3517. Adjudication and administration.

Subtitle B—Exposure to Other Toxic Substances

Sec. 3521. Definitions.

Sec. 3522. Agreements with States.

Subtitle C—General Provisions

Sec. 3531. Treatment of compensation and benefits.

Sec. 3532. Forfeiture of benefits by convicted felons.

Sec. 3533. Limitation on right to receive benefits.

Sec. 3534. Coordination of benefits—State workers' compensation.

Sec. 3535. Coordination of benefits—Federal workers' compensation.

Sec. 3536. Receipt of benefits—other statutes.

Sec. 3537. Dual compensation—Federal employees.

Sec. 3538. Dual compensation—other employees.

Sec. 3539. Exclusivity of remedy against the United States, contractors, and sub-contractors.

Sec. 3540 Election of remedy against beryllium vendors and atomic weapons employers.

Sec. 3541. Subrogation of the United States.

Sec. 3542. Energy Employees' Occupational Illness Compensation Fund.

Sec. 3543. Effective date.

Sec. 3544. Technical and conforming amendments.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

2 *For purposes of this Act, the term “congressional de-*
3 *fense committees” means—*

4 *(1) the Committee on Armed Services and the*
5 *Committee on Appropriations of the Senate; and*

6 *(2) the Committee on Armed Services and the*
7 *Committee on Appropriations of the House of Rep-*
8 *resentatives.*

1 ***DIVISION A—DEPARTMENT OF***
2 ***DEFENSE AUTHORIZATIONS***
3 ***TITLE I—PROCUREMENT***
4 ***Subtitle A—Authorization of***
5 ***Appropriations***

6 ***SEC. 101. ARMY.***

7 *Funds are hereby authorized to be appropriated for fis-*
8 *cal year 2001 for procurement for the Army as follows:*

9 (1) *For aircraft, \$1,749,662,000.*

10 (2) *For missiles, \$1,382,328,000.*

11 (3) *For weapons and tracked combat vehicles,*
12 *\$2,115,138,000.*

13 (4) *For ammunition, \$1,224,323,000.*

14 (5) *For other procurement, \$4,039,670,000.*

15 ***SEC. 102. NAVY AND MARINE CORPS.***

16 (a) *NAVY.—Funds are hereby authorized to be appro-*
17 *priated for fiscal year 2001 for procurement for the Navy*
18 *as follows:*

19 (1) *For aircraft, \$8,685,958,000.*

20 (2) *For weapons, including missiles and tor-*
21 *pedoes, \$1,539,950,000.*

22 (3) *For shipbuilding and conversion,*
23 *\$12,900,076,000.*

24 (4) *For other procurement, \$3,378,311,000.*

1 (b) *MARINE CORPS.*—*Funds are hereby authorized to*
 2 *be appropriated for fiscal year 2001 for procurement for*
 3 *the Marine Corps in the amount of \$1,191,035,000.*

4 (c) *NAVY AND MARINE CORPS AMMUNITION.*—*Funds*
 5 *are hereby authorized to be appropriated for fiscal year*
 6 *2001 for procurement of ammunition for the Navy and the*
 7 *Marine Corps in the amount of \$500,749,000.*

8 **SEC. 103. AIR FORCE.**

9 *Funds are hereby authorized to be appropriated for fis-*
 10 *cal year 2001 for procurement for the Air Force as follows:*

11 (1) *For aircraft, \$9,968,371,000.*

12 (2) *For ammunition, \$666,808,000.*

13 (3) *For missiles, \$3,005,915,000.*

14 (4) *For other procurement, \$7,724,527,000.*

15 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

16 *Funds are hereby authorized to be appropriated for fis-*
 17 *cal year 2001 for Defense-wide procurement in the amount*
 18 *of \$2,203,508,000.*

19 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

20 *Funds are hereby authorized to be appropriated for fis-*
 21 *cal year 2001 for procurement for the Inspector General of*
 22 *the Department of Defense in the amount of \$3,300,000.*

23 **SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.**

24 *There is hereby authorized to be appropriated for fiscal*
 25 *year 2001 the amount of \$1,003,500,000 for—*

1 (1) *the destruction of lethal chemical agents and*
 2 *munitions in accordance with section 1412 of the De-*
 3 *partment of Defense Authorization Act, 1986 (50*
 4 *U.S.C. 1521); and*

5 (2) *the destruction of chemical warfare materiel*
 6 *of the United States that is not covered by section*
 7 *1412 of such Act.*

8 **SEC. 107. DEFENSE HEALTH PROGRAMS.**

9 *Funds are hereby authorized to be appropriated for fis-*
 10 *cal year 2001 for the Department of Defense for procure-*
 11 *ment for carrying out health care programs, projects, and*
 12 *activities of the Department of Defense in the total amount*
 13 *of \$290,006,000.*

14 ***Subtitle B—Army Programs***

15 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR CER-**
 16 ***TAIN PROGRAMS.***

17 (a) *AUTHORITY.*—*Beginning with the fiscal year 2001*
 18 *program year, the Secretary of the Army may, in accord-*
 19 *ance with section 2306b of title 10, United States Code,*
 20 *enter into multiyear contracts for procurement of the fol-*
 21 *lowing:*

22 (1) *M2A3 Bradley fighting vehicles.*

23 (2) *UH–60L Blackhawk helicopters.*

24 (3) *CH–60S Seahawk helicopters.*

1 **(b) LIMITATION FOR BRADLEY FIGHTING VEHICLES.**—
 2 *The period for a multiyear contract entered into under sub-*
 3 *section (a)(1) may not exceed the three consecutive program*
 4 *years beginning with the fiscal year 2001 program year.*

5 **(c) REPEAL OF SUPERSEDED AUTHORITY.**—*Section*
 6 *111 of the National Defense Authorization Act for Fiscal*
 7 *Year 2000 (Public Law 106–65; 113 Stat. 531) is amended*
 8 *by striking paragraph (2).*

9 **SEC. 112. REPORTS AND LIMITATIONS RELATING TO ARMY**
 10 **TRANSFORMATION.**

11 **(a) REPORT ON OBJECTIVE FORCE DEVELOPMENT**
 12 **PROCESS.**—*The Secretary of the Army shall submit to the*
 13 *congressional defense committees a report on the process for*
 14 *developing the objective force in the transformation of the*
 15 *Army. The report shall include the following:*

16 (1) *The operational environments envisioned for*
 17 *the objective force.*

18 (2) *The threat assumptions on which research*
 19 *and development efforts for transformation of the*
 20 *Army into the objective force are based.*

21 (3) *The potential operational and organizational*
 22 *concepts for the objective force.*

23 (4) *The key performance parameters anticipated*
 24 *for the objective force and the operational require-*

1 *ments anticipated for the operational requirements*
2 *document of the objective force.*

3 *(5) The schedule of Army transformation activi-*
4 *ties through fiscal year 2012, together with—*

5 *(A) the projected funding requirements*
6 *through that fiscal year for the research and de-*
7 *velopment activities and the procurement activi-*
8 *ties;*

9 *(B) the specific adjustments that are made*
10 *for Army programs in the future-years defense*
11 *program and in the extended planning program*
12 *in order to program the funding necessary to*
13 *meet the funding requirements for Army trans-*
14 *formation; and*

15 *(C) a summary of the anticipated invest-*
16 *ments of the Defense Advanced Research Projects*
17 *Agency in programs designed to lead to the field-*
18 *ing of future combat systems for the objective*
19 *force.*

20 *(6) The joint warfighting requirements that will*
21 *be supported by the fielding of the objective force, to-*
22 *gether with a description of the adjustments that are*
23 *planned to be made in the war plans of the com-*
24 *manders of the regional unified combatant commands*
25 *in relation to the fielding of the objective force.*

1 (7) *The changes in lift requirements that result*
2 *from the establishment and fielding of the combat bri-*
3 *gades of the objective force.*

4 (8) *The evaluation process that will be used to*
5 *support decisionmaking on the course of the Army*
6 *transformation, including a description of the oper-*
7 *ational evaluations and experimentation that will be*
8 *used to validate the key performance parameters asso-*
9 *ciated with the objective force and the operational re-*
10 *quirements for the operational requirements document*
11 *of the objective force.*

12 (b) *REPORTS ON MEDIUM ARMORED COMBAT VEHI-*
13 *CLES FOR THE INTERIM BRIGADE COMBAT TEAMS.—(1)*
14 *The Secretary of the Army shall develop and carry out a*
15 *plan for comparing—*

16 (A) *the costs and operational effectiveness of the*
17 *medium armored combat vehicles selected for the in-*
18 *fantry battalions of the interim brigade combat*
19 *teams; and*

20 (B) *the costs and operational effectiveness of the*
21 *medium armored vehicles currently in the Army in-*
22 *ventory for the use of infantry battalions.*

23 (2) *The plan shall provide for the costs and operational*
24 *effectiveness of the two sets of vehicles to be determined on*
25 *the basis of the results of an operational analysis that in-*

1 *volves the participation of at least one infantry battalion*
2 *that is fielded with medium armored vehicles currently in*
3 *the Army inventory and is similar in organization to the*
4 *infantry battalions of the interim brigade combat teams.*

5 *(3) The Director of Operational Test and Evaluation*
6 *of the Department of Defense shall review the plan devel-*
7 *oped under paragraph (1) and submit the Director's com-*
8 *ments on the plan to the Secretary of the Army.*

9 *(4) Not later than February 1, 2001, the Secretary of*
10 *the Army shall submit to the congressional defense commit-*
11 *tees a report on the plan developed under paragraph (1).*
12 *The report shall include the following:*

13 *(A) The plan.*

14 *(B) The comments of the Director of Operational*
15 *Test and Evaluation on the plan.*

16 *(C) A discussion of how the results of the oper-*
17 *ational analysis are to be used to guide future deci-*
18 *sions on the acquisition of medium armored combat*
19 *vehicles for additional interim brigade combat teams.*

20 *(D) The specific adjustments that are made for*
21 *Army programs in the future-years defense program*
22 *and in the extended planning program in order to*
23 *program the funding necessary for fielding the in-*
24 *terim brigade combat teams.*

1 (5)(A) *Not later than March 1, 2002, the Secretary of*
2 *the Army shall submit to the congressional defense commit-*
3 *tees a report on the results of the comparison of costs and*
4 *operational effectiveness of the two sets of medium armored*
5 *combat vehicles under paragraph (1).*

6 (B) *The report under subparagraph (A) shall include*
7 *a certification by the Secretary of Defense regarding wheth-*
8 *er the results of the comparison would support the continu-*
9 *ation in fiscal year 2003 and beyond of the acquisition of*
10 *the additional medium armored combat vehicles proposed*
11 *to be used for equipping the interim brigade combat teams.*

12 (c) *LIMITATIONS.—(1) Not more than 60 percent of the*
13 *amount appropriated for the procurement of armored vehi-*
14 *cles in the family of new medium armored vehicles pursu-*
15 *ant to the authorization of appropriations in section 101(3)*
16 *may be obligated until the date that is 30 days after the*
17 *date on which the Secretary of the Army submits the report*
18 *required under subsection (b)(4) to the congressional defense*
19 *committees.*

20 (2) *Not more than 60 percent of the funds appro-*
21 *priated for the Army for fiscal year 2002 for the procure-*
22 *ment of armored vehicles in the family of new medium ar-*
23 *mored combat vehicles may be obligated until the date that*
24 *is 30 days after the date on which the Secretary of the Army*

1 *submits the report required under subsection (b)(5) to the*
2 *congressional defense committees.*

3 *(d) DEFINITIONS.—In this section:*

4 *(1) The term “transformation”, with respect to*
5 *the Army, means the actions being undertaken to*
6 *transform the Army, as it is constituted in terms of*
7 *organization, equipment, and doctrine in 2000, into*
8 *the objective force.*

9 *(2) The term “objective force” means the Army*
10 *that has the organizational structure, the most ad-*
11 *vanced equipment that early twenty-first century*
12 *science and technology can provide, and the appro-*
13 *priate doctrine to ensure that the Army is responsive,*
14 *deployable, agile, versatile, lethal, survivable, and sus-*
15 *tainable for the full spectrum of the operations antici-*
16 *pated to be required of the Army during the early*
17 *years of the twenty-first century following 2010.*

18 *(3) The term “interim brigade combat team”*
19 *means an Army brigade that is designated by the*
20 *Secretary of the Army as a brigade combat team and*
21 *is reorganized and equipped with currently available*
22 *equipment in a configuration that effectuates an evo-*
23 *lutionary advancement toward transformation of the*
24 *Army to the objective force.*

1 **SEC. 113. RAPID INTRAVENOUS INFUSION PUMPS.**

2 *Of the amount authorized to be appropriated under*
 3 *section 101(5)—*

4 *(1) \$6,000,000 shall be available for the procure-*
 5 *ment of rapid intravenous infusion pumps; and*

6 *(2) the amount provided for the family of me-*
 7 *dium tactical vehicles is hereby reduced by*
 8 *\$6,000,000.*

9 ***Subtitle C—Navy Programs***

10 **SEC. 121. CVNX-1 NUCLEAR AIRCRAFT CARRIER PROGRAM.**

11 *(a) AUTHORIZATION OF SHIP.—The Secretary of the*
 12 *Navy is authorized to procure the aircraft carrier to be des-*
 13 *ignated CVNX-1.*

14 *(b) ADVANCE PROCUREMENT AND CONSTRUCTION.—*
 15 *The Secretary may enter into one or more contracts for the*
 16 *advance procurement and advance construction of compo-*
 17 *nents for the ship authorized under subsection (a).*

18 *(c) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—Of*
 19 *the amounts authorized to be appropriated under section*
 20 *102(a)(3) for fiscal year 2001, \$21,869,000 is available for*
 21 *the advance procurement and advance construction of com-*
 22 *ponents (including nuclear components) for the CVNX-1*
 23 *aircraft carrier program.*

24 **SEC. 122. ARLEIGH BURKE CLASS DESTROYER PROGRAM.**

25 *(a) ECONOMICAL MULTIYEAR PROCUREMENT OF PRE-*
 26 *VIOUSLY AUTHORIZED VESSELS AND ONE ADDITIONAL*

1 *VESSEL.—(1) Subsection (b) of section 122 of the National*
 2 *Defense Authorization Act for Fiscal Year 1997 (Public*
 3 *Law 104–201; 110 Stat. 2446), as amended by section*
 4 *122(a) of Public Law 106–65 (113 Stat. 535), is further*
 5 *amended by striking “a total of 18 Arleigh Burke class de-*
 6 *stroyers” in the first sentence and all that follows through*
 7 *the period at the end of that sentence and inserting “Arleigh*
 8 *Burke class destroyers in accordance with this subsection*
 9 *and subsection (a)(4) at procurement rates not in excess*
 10 *of 3 ships in each of the fiscal years beginning after Sep-*
 11 *tember 30, 1998, and before October 1, 2005. The authority*
 12 *under the preceding sentence is subject to the availability*
 13 *of appropriations for such destroyers.”.*

14 (2) *The heading for such subsection is amended by*
 15 *striking “18”.*

16 (b) *ECONOMICAL RATE OF PROCUREMENT.—It is the*
 17 *sense of Congress that, for the procurement of the Arleigh*
 18 *Burke class destroyers to be procured after fiscal year 2001*
 19 *under multiyear contracts authorized under section 122(b)*
 20 *of Public Law 104–201—*

21 (1) *the Secretary of the Navy should—*

22 (A) *achieve the most economical rate of pro-*
 23 *curement; and*

1 (B) enter into such contracts for advance
2 procurement as may be necessary to achieve that
3 rate of procurement;

4 (2) the most economical rate of procurement
5 would be achieved by procuring 3 of the destroyers in
6 each of fiscal years 2002 and 2003 and procuring an-
7 other destroyer in fiscal year 2004; and

8 (3) the Secretary has the authority under section
9 122(b) of Public Law 104–201 (110 Stat. 2446) and
10 subsections (b) and (c) of section 122 of Public Law
11 106–65 (113 Stat. 534) to provide for procurement at
12 the most economical rate, as described in paragraph
13 (2).

14 (c) *UPDATE OF 1993 REPORT ON DDG–51 CLASS*
15 *SHIPS.*—(1) The Secretary of the Navy shall submit to the
16 Committees on Armed Services of the Senate and the House
17 of Representatives, not later than November 1, 2000, a re-
18 port that updates the information provided in the report
19 of the Secretary of the Navy entitled the “Arleigh Burke
20 (DDG–51) Class Industrial Base Study of 1993”. The Sec-
21 retary shall transmit a copy of the updated report to the
22 Comptroller General not later than the date on which the
23 Secretary submits the report to the committees.

24 (2) The Comptroller General shall review the updated
25 report submitted under paragraph (1) and, not later than

1 *December 1, 2000, submit to the Committees on Armed*
 2 *Services of the Senate and House of Representatives the*
 3 *Comptroller General's comments on the updated report.*

4 **SEC. 123. VIRGINIA CLASS SUBMARINE PROGRAM.**

5 *(a) AMOUNTS AUTHORIZED FROM SCN ACCOUNT.—*
 6 *Of the amounts authorized to be appropriated by section*
 7 *102(a)(3) for fiscal year 2001, \$1,711,234,000 is available*
 8 *for the Virginia class submarine program.*

9 *(b) CONTRACT AUTHORITY.—(1) The Secretary of the*
 10 *Navy is authorized to enter into a contract for the procure-*
 11 *ment of up to five Virginia class submarines, including the*
 12 *procurement of material in economic order quantities when*
 13 *cost savings are achievable, during fiscal years 2003*
 14 *through 2006. The submarines authorized under the pre-*
 15 *ceding sentence are in addition to the submarines author-*
 16 *ized under section 121(b) of the National Defense Author-*
 17 *ization Act for Fiscal Year 1998 (Public Law 105–85; 111*
 18 *Stat. 1648).*

19 *(2) A contract entered into under paragraph (1) shall*
 20 *include a clause that states that any obligation of the*
 21 *United States to make a payment under this contract is*
 22 *subject to the availability of appropriations for that pur-*
 23 *pose.*

1 (c) *SHIPBUILDER TEAMING*.—Paragraphs (2)(A), (3),
2 and (4) of section 121(b) of Public Law 105–85 apply to
3 the procurement of submarines under this section.

4 (d) *LIMITATION OF LIABILITY*.—If a contract entered
5 into under this section is terminated, the United States
6 shall not be liable for termination costs in excess of the total
7 of the amounts appropriated for the Virginia class sub-
8 marine program that remain available for the program.

9 (e) *REPORT REQUIREMENT*.—At that same time that
10 the President submits the budget for fiscal year 2002 to
11 Congress under section 1105(a) of title 31, United States
12 Code, the Secretary of Defense shall submit to the congres-
13 sional defense committees a report on the Navy’s fleet of
14 fast attack submarines. The report shall include the fol-
15 lowing:

16 (1) *A plan for maintaining at least 55 fast at-*
17 *tack submarines in commissioned service through*
18 *2015, including, by 2015, 18 Virginia class sub-*
19 *marines.*

20 (2) *Two assessments of the potential savings that*
21 *would be achieved under the Virginia class submarine*
22 *program if the production rate for such program were*
23 *at least two submarines each fiscal year, as follows:*

24 (A) *An assessment if that were the produc-*
25 *tion rate beginning in fiscal year 2004.*

1 (B) *An assessment of that were the produc-*
 2 *tion rate beginning in fiscal year 2006.*

3 (3) *An analysis of the advantages and disadvan-*
 4 *tages of various contracting strategies for Virginia*
 5 *class submarine program, including one or more*
 6 *multiyear procurement strategies and one or more*
 7 *strategies for block buy with economic order quantity.*

8 **SEC. 124. ADC(X) SHIP PROGRAM.**

9 *Notwithstanding any other provision of law, the Sec-*
 10 *retary of the Navy may procure the construction of all*
 11 *ADC(X) class ships in one shipyard if the Secretary deter-*
 12 *mines that it is more cost effective to do so than to procure*
 13 *the construction of such ships from more than one shipyard.*

14 **SEC. 125. REFUELING AND COMPLEX OVERHAUL PROGRAM**
 15 **OF THE CVN-69 NUCLEAR AIRCRAFT CAR-**
 16 **RIER.**

17 (a) *AMOUNT AUTHORIZED FROM SCN ACCOUNT.—Of*
 18 *the amount authorized to be appropriated by section*
 19 *102(a)(3) for fiscal year 2001, \$703,441,000 is available for*
 20 *the commencement of the nuclear refueling and complex*
 21 *overhaul of the CVN-69 aircraft carrier during fiscal year*
 22 *2001. The amount made available in the preceding sentence*
 23 *is the first increment in the incremental funding planned*
 24 *for the nuclear refueling and complex overhaul of the CVN-*
 25 *69 aircraft carrier.*

1 (b) *CONTRACT AUTHORITY.*—*The Secretary of the*
 2 *Navy is authorized to enter into a contract during fiscal*
 3 *year 2001 for the nuclear refueling and complex overhaul*
 4 *of the CVN-69 nuclear aircraft carrier.*

5 (c) *CONDITION FOR OUT-YEAR CONTRACT PAY-*
 6 *MENTS.*—*A contract entered into under subsection (b) shall*
 7 *include a clause that states that any obligation of the*
 8 *United States to make a payment under the contract for*
 9 *a fiscal year after fiscal year 2001 is subject to the avail-*
 10 *ability of appropriations for that purpose for that later fis-*
 11 *cal year.*

12 ***SEC. 126. REMANUFACTURED AV-8B AIRCRAFT.***

13 *Of the amount authorized to be appropriated by sec-*
 14 *tion 102(a)(1)—*

15 (1) *\$318,646,000 is available for the procurement*
 16 *of remanufactured AV-8B aircraft;*

17 (2) *\$15,200,000 is available for the procurement*
 18 *of UC-35 aircraft;*

19 (3) *\$3,300,000 is available for the procurement*
 20 *of automatic flight control systems for EA-6B air-*
 21 *craft; and*

22 (4) *\$46,000,000 is available for engineering*
 23 *change proposal 583 for FA-18 aircraft.*

1 **SEC. 127. ANTI-PERSONNEL OBSTACLE BREACHING SYS-**
 2 **TEM.**

3 *Of the total amount authorized to be appropriated*
 4 *under section 102(c), \$4,000,000 is available only for the*
 5 *procurement of the anti-personnel obstacle breaching sys-*
 6 *tem.*

7 ***Subtitle D—Air Force Programs***

8 **SEC. 131. REPEAL OF REQUIREMENT FOR ANNUAL REPORT**
 9 **ON B-2 BOMBER AIRCRAFT PROGRAM.**

10 *Section 112 of the National Defense Authorization Act*
 11 *for Fiscal Years 1990 and 1991 (Public Law 101-189; 103*
 12 *Stat. 1373), as amended by section 141 of Public Law 104-*
 13 *106 (110 Stat. 213), is repealed.*

14 **SEC. 132. CONVERSION OF AGM-65 MAVERICK MISSILES.**

15 *(a) INCREASE IN AMOUNT.—The amount authorized to*
 16 *be appropriated by section 103(3) for procurement of mis-*
 17 *siles for the Air Force is hereby increased by \$2,100,000.*

18 *(b) AVAILABILITY OF AMOUNT.—(1) Of the amount au-*
 19 *thorized to be appropriated by section 103(3), as increased*
 20 *by subsection (a), \$2,100,000 shall be available for In-Serv-*
 21 *ice Missile Modifications for the purpose of the conversion*
 22 *of Maverick missiles in the AGM-65B and AGM-65G con-*
 23 *figurations to Maverick missiles in the AGM-65H and*
 24 *AGM-65K configurations.*

1 (2) *The amount available under paragraph (1) for the*
 2 *purpose specified in that paragraph is in addition to any*
 3 *other amounts available under this Act for that purpose.*

4 (c) *OFFSET.—The amount authorized to be appro-*
 5 *priated by section 103(1) for procurement of aircraft for*
 6 *the Air Force is hereby reduced by \$2,100,000, with the*
 7 *amount of the reduction applicable to amounts available*
 8 *under that section for ALE–50 Code Decoys.*

9 ***Subtitle E—Other Matters***

10 ***SEC. 141. PUEBLO CHEMICAL DEPOT CHEMICAL AGENT AND*** 11 ***MUNITIONS DESTRUCTION TECHNOLOGIES.***

12 (a) *LIMITATION.—In determining the technologies to*
 13 *be used for the destruction of the stockpile of lethal chemical*
 14 *agents and munitions at Pueblo Chemical Depot, Colorado,*
 15 *whether under the assessment required by section 141(a) of*
 16 *the National Defense Authorization Act for Fiscal Year*
 17 *2000 (Public Law 106–65; 113 Stat. 537; 50 U.S.C. 1521*
 18 *note), the Assembled Chemical Weapons Assessment, or any*
 19 *other assessment, the Secretary of Defense may consider*
 20 *only the following technologies:*

21 (1) *Incineration.*

22 (2) *Any technologies demonstrated under the As-*
 23 *sembled Chemical Weapons Assessment on or before*
 24 *May 1, 2000.*

1 (b) *ASSEMBLED CHEMICAL WEAPONS ASSESSMENT*
 2 *DEFINED.*—As used in subsection (a), the term “Assembled
 3 *Chemical Weapons Assessment*” means the pilot program
 4 carried out under section 8065 of the Department of Defense
 5 Appropriations Act, 1997 (section 101(b) of Public Law
 6 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).

7 **SEC. 142. INTEGRATED BRIDGE SYSTEMS FOR NAVAL SYS-**
 8 **TEMS SPECIAL WARFARE RIGID INFLATABLE**
 9 **BOATS AND HIGH-SPEED ASSAULT CRAFT.**

10 (a) *INCREASE IN AUTHORIZATION FOR PROCUREMENT,*
 11 *DEFENSE-WIDE.*—The amount authorized to be appro-
 12 priated by section 104 for procurement, Defense-wide, is
 13 hereby increased by \$7,000,000.

14 (b) *AVAILABILITY OF AMOUNT.*—Of the amount au-
 15 thorized to be appropriated by section 104, as increased by
 16 subsection (a), \$7,000,000 shall be available for the procure-
 17 ment and installation of integrated bridge systems for naval
 18 systems special warfare rigid inflatable boats and high-
 19 speed assault craft for special operations forces.

20 (c) *OFFSET.*—The amount authorized to be appro-
 21 priated by section 103(4), for other procurement for the Air
 22 Force, is hereby reduced by \$7,000,000.

1 **SEC. 143. REPEAL OF PROHIBITION ON USE OF DEPART-**
 2 **MENT OF DEFENSE FUNDS FOR PROCURE-**
 3 **MENT OF NUCLEAR-CAPABLE SHIPYARD**
 4 **CRANE FROM A FOREIGN SOURCE.**

5 *Section 8093 of the Department of Defense Appropria-*
 6 *tions Act, 2000 (Public Law 106–79; 113 Stat. 1253) is*
 7 *amended by striking subsection (d), relating to a prohibi-*
 8 *tion on the use of Department of Defense funds to procure*
 9 *a nuclear-capable shipyard crane from a foreign source.*

10 **TITLE II—RESEARCH, DEVELOP-**
 11 **MENT, TEST, AND EVALUA-**
 12 **TION**

13 **Subtitle A—Authorization of**
 14 **Appropriations**

15 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

16 *Funds are hereby authorized to be appropriated for fis-*
 17 *cal year 2001 for the use of the Department of Defense for*
 18 *research, development, test, and evaluation as follows:*

19 *(1) For the Army, \$5,501,946,000.*

20 *(2) For the Navy, \$8,665,865,000.*

21 *(3) For the Air Force, \$13,887,836,000.*

22 *(4) For Defense-wide activities, \$11,275,202,000,*
 23 *of which \$223,060,000 is authorized for the Director*
 24 *of Operational Test and Evaluation.*

1 **SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.**

2 (a) *FISCAL YEAR 2001.*—Of the amounts authorized
3 to be appropriated by section 201, \$4,702,604,000 shall be
4 available for basic research and applied research projects.

5 (b) *BASIC RESEARCH AND APPLIED RESEARCH DE-*
6 *FINED.*—For purposes of this section, the term “basic re-
7 search and applied research” means work funded in pro-
8 gram elements for defense research and development under
9 Department of Defense category 6.1 or 6.2.

10 **SEC. 203. ADDITIONAL AUTHORIZATION FOR RESEARCH,**
11 **DEVELOPMENT, TEST, AND EVALUATION ON**
12 **WEATHERING AND CORROSION OF AIRCRAFT**
13 **SURFACES AND PARTS.**

14 (a) *INCREASE IN AUTHORIZATION.*—The amount au-
15 thorized to be appropriated by section 201(3) is hereby in-
16 creased by \$1,500,000.

17 (b) *AVAILABILITY OF FUNDS.*—The amount available
18 under section 201(3), as increased by subsection (a), for re-
19 search, development, test, and evaluation on weathering and
20 corrosion of aircraft surfaces and parts (PE62102F) is
21 hereby increased by \$1,500,000.

22 (c) *OFFSET.*—The amount authorized to be appro-
23 priated by section 201(4) is hereby decreased by \$1,500,000,
24 with the amount of such decrease being allocated to Sensor
25 and Guidance Technology (PE63762E).

1 ***Subtitle B—Program Requirements,***
2 ***Restrictions, and Limitations***

3 ***SEC. 211. FISCAL YEAR 2002 JOINT FIELD EXPERIMENT.***

4 (a) *REQUIREMENTS.*—*The Secretary of Defense shall*
5 *carry out a joint field experiment in fiscal year 2002. The*
6 *Secretary shall ensure that the planning for the joint field*
7 *experiment is carried out during fiscal year 2001.*

8 (b) *PURPOSE.*—*The purpose of the joint field experi-*
9 *ment is to explore the most critical war fighting challenges*
10 *at the operational level of war that will confront United*
11 *States joint military forces after 2010.*

12 (c) *PARTICIPATING FORCES.*—(1) *The joint field ex-*
13 *periment shall involve elements of Army, Navy, Marine*
14 *Corps, and Air Force, and shall include special operations*
15 *forces.*

16 (2) *The forces designated to participate in the joint*
17 *field experiment shall exemplify the concepts for organiza-*
18 *tion, equipment, and doctrine that are conceived for the*
19 *forces after 2010 under Joint Vision 2010 (issued by the*
20 *Joint Chiefs of Staff) and the current vision statements of*
21 *the Chief of Staff of the Army, the Chief of Naval Operations*
22 *and the Commandant of the Marine Corps, and the Chief*
23 *of Staff of the Air Force, including the following concepts:*

24 (A) *Air Force expeditionary aerospace forces.*

25 (B) *Army medium weight brigades.*

1 (C) *Navy forward from the sea.*

2 (d) *FUNDING.—Of the amount authorized to be appro-*
 3 *priated under section 201(2) for joint experimentation,*
 4 *\$6,000,000 shall be available only for planning the joint*
 5 *field experiment required under this section.*

6 **SEC. 212. NUCLEAR AIRCRAFT CARRIER DESIGN AND PRO-**
 7 **DUCTION MODELING.**

8 *Of the amount authorized to be appropriated under*
 9 *section 201(2) for the Navy for nuclear aircraft carrier de-*
 10 *sign and production modeling, \$10,000,000 shall be avail-*
 11 *able for the conversion and development of nuclear aircraft*
 12 *carrier design data into an electronic, three-dimensional*
 13 *product model.*

14 **SEC. 213. DD-21 CLASS DESTROYER PROGRAM.**

15 (a) *AUTHORITY.—The Secretary of the Navy is author-*
 16 *ized to pursue a technology insertion approach for the con-*
 17 *struction of the DD-21 destroyer on the following schedule:*

18 (1) *Commencement of construction during fiscal*
 19 *year 2004.*

20 (2) *Delivery of the completed vessel during fiscal*
 21 *year 2009.*

22 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
 23 *that—*

24 (1) *there are compelling reasons for starting the*
 25 *program for constructing the DD-21 destroyer in fis-*

1 *cal year 2004 and continuing with sequential con-*
2 *struction of DD-21 class destroyers during the ensu-*
3 *ing fiscal years until 32 DD-21 class destroyers are*
4 *constructed; and*

5 *(2) the Secretary of the Navy, in providing for*
6 *the acquisition of DD-21 class destroyers, should con-*
7 *sider that—*

8 *(A) the Marine Corps needs the surface fire*
9 *support capabilities of the DD-21 class destroy-*
10 *ers as soon as possible in order to mitigate the*
11 *inadequacies of the surface fire support capabili-*
12 *ties that are currently available;*

13 *(B) the Navy and Marine Corps need to re-*
14 *solve whether there is a requirement for surface*
15 *fire support missile weapon systems to be easily*
16 *sustainable by means of replenishment while*
17 *under way;*

18 *(C) the technology insertion approach has*
19 *been successful for other ship construction pro-*
20 *grams and is being pursued for the CVN(X) and*
21 *Virginia class submarine programs;*

22 *(D) the establishment of a stable configura-*
23 *tion for the first 10 DD-21 class destroyers*
24 *should enable the construction of the ships with*
25 *the greatest capabilities at the lowest cost; and*

1 (E) action to acquire DD-21 class destroy-
2 ers should be taken as soon as possible in order
3 to realize fully the cost savings that can be de-
4 rived from the construction and operation of
5 DD-21 class destroyers, including—

6 (i) savings in construction costs that
7 would result from achievement of the Navy's
8 target per-ship cost of \$750,000,000 by the
9 fifth ship constructed in each construction
10 yard;

11 (ii) savings that will result from the
12 estimated reduction of the crews of destroy-
13 ers by 200 or more personnel for each ship;
14 and

15 (iii) savings that will result from a re-
16 duction in the operating costs for destroyers
17 by an estimated 70 percent.

18 (c) NAVY PLAN FOR USE OF TECHNOLOGY INSERTION
19 APPROACH FOR CONSTRUCTION OF THE DD-21 SHIP.—
20 The Secretary of the Navy shall submit to the Committees
21 on Armed Services of the Senate and the House of Rep-
22 resentatives, not later than April 18, 2001, a plan for pur-
23 suing a technology insertion approach for the construction
24 of the DD-21 destroyer as authorized under subsection (a).

1 *The plan shall include estimates of the resources necessary*
2 *to execute the plan.*

3 *(d) REPORT ON ACQUISITION AND MAINTENANCE PLAN*
4 *FOR DD-21 CLASS SHIPS.—The Secretary of Defense shall*
5 *submit to the Committees on Armed Services of the Senate*
6 *and House of Representatives, not later than April 18,*
7 *2001, a report on the Navy’s plan for the acquisition and*
8 *maintenance of DD-21 class destroyers. The report shall in-*
9 *clude a discussion of each of the following matters:*

10 *(1) The technical feasibility of commencing con-*
11 *struction of the DD-21 destroyer in fiscal year 2004*
12 *and achieving delivery of the completed ship to the*
13 *Navy during fiscal year 2009.*

14 *(2) An analysis of the advantages and disadvan-*
15 *tages of various contracting strategies for the con-*
16 *struction of the first 10 DD-21 class destroyers, in-*
17 *cluding one or more multiyear procurement strategies*
18 *and one or more strategies for block buy in economic*
19 *order quantity.*

20 *(3) The effects on the destroyer industrial base*
21 *and on costs to other Navy shipbuilding programs of*
22 *delaying the commencement of construction of the*
23 *DD-21 destroyer until fiscal year 2005 and delaying*
24 *the commencement of construction of the next DD-21*
25 *class destroyer until fiscal year 2007.*

1 (4) *The effects on the fleet maintenance strategies*
2 *of Navy fleet commanders, on commercial mainte-*
3 *nance facilities in fleet concentration areas, and on*
4 *the administration of funds in compliance with sec-*
5 *tion 2466 of title 10, United States Code, of awarding*
6 *to a contractor for the construction of a DD-21 class*
7 *destroyer all maintenance workloads for DD-21 class*
8 *destroyers that are below depot-level maintenance and*
9 *above ship-level maintenance.*

10 **SEC. 214. F-22 AIRCRAFT PROGRAM.**

11 *Section 217(c) of the National Defense Authorization*
12 *Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat.*
13 *1660) is amended by adding at the end the following:*

14 “(3) *With respect to the limitation in subsection*
15 *(a), an increase by an amount that does not exceed*
16 *one percent of the total amount of that limitation*
17 *(taking into account the increases and decreases, if*
18 *any, under paragraphs (1) and (2)) if the Director of*
19 *Operational Test and Evaluation, after consulting*
20 *with the Under Secretary of Defense for Acquisition,*
21 *Technology, and Logistics, determines that the in-*
22 *crease is necessary in order to ensure adequate test-*
23 *ing.”.*

1 **SEC. 215. JOINT STRIKE FIGHTER PROGRAM.**

2 (a) *REPORT.*—Not later than December 15, 2000, the
3 Secretary shall submit to Congress a report on the joint
4 strike fighter program. The report shall contain the fol-
5 lowing:

6 (1) *A description of the program as the program*
7 *has been restructured before the date of the report, in-*
8 *cluding any modified acquisition strategy that has*
9 *been incorporated into the program.*

10 (2) *The exit criteria that have been established to*
11 *ensure that technical risks are at levels acceptable for*
12 *entry of the program into engineering and manufac-*
13 *turing development.*

14 (b) *TRANSFERS FROM OTHER NAVY AND AIR FORCE*
15 *ACCOUNTS.*—(1) *Notwithstanding any other provision of*
16 *this Act, the Secretary may transfer to the joint strike fight-*
17 *er program or within the joint strike fighter program*
18 *amounts authorized to be appropriated under section 201*
19 *for a purpose other than the purpose of the authorization*
20 *of appropriations to which transferred, as follows:*

21 (A) *Of the funds authorized to be appropriated*
22 *under section 201(2), up to \$150,000,000.*

23 (B) *Of the funds authorized to be appropriated*
24 *under section 201(3), up to \$150,000,000.*

25 (2) *The transfer authority under paragraph (1) is in*
26 *addition to the transfer authority provided in section 1001.*

1 **SEC. 216. GLOBAL HAWK HIGH ALTITUDE ENDURANCE UN-**
2 **MANNED AERIAL VEHICLE.**

3 (a) *CONCEPT DEMONSTRATION REQUIRED.*—*The Sec-*
4 *retary of Defense shall require and coordinate a concept*
5 *demonstration of the Global Hawk high altitude endurance*
6 *unmanned aerial vehicle.*

7 (b) *PURPOSE OF DEMONSTRATION.*—*The purpose of*
8 *the concept demonstration is to demonstrate the capability*
9 *of the Global Hawk high altitude endurance unmanned aer-*
10 *ial vehicle to operate in an airborne surveillance mode,*
11 *using available, non-developmental technology.*

12 (c) *TIME FOR DEMONSTRATION.*—*The demonstration*
13 *shall take place as early in fiscal year 2001 as the Secretary*
14 *determines practicable.*

15 (d) *PARTICIPATION BY CINCS.*—*The Secretary shall*
16 *require the Commander in Chief of the United States Joint*
17 *Forces Command and the Commander in Chief of the*
18 *United States Southern Command jointly to provide guid-*
19 *ance for the demonstration and otherwise to participate in*
20 *the demonstration.*

21 (e) *SCENARIO FOR DEMONSTRATION.*—*The demonstra-*
22 *tion shall be conducted in a counter-drug surveillance sce-*
23 *nario that is designed to replicate factual conditions typi-*
24 *cally encountered in the performance of the counter-drug*
25 *surveillance mission of the Commander in Chief of the*

1 *United States Southern Command within that com-*
 2 *mander's area of responsibility.*

3 *(f) REPORT.—Not later than 45 days after the concept*
 4 *demonstration is completed, the Secretary shall submit to*
 5 *Congress a report on the results of the demonstration. The*
 6 *report shall include the following:*

7 *(1) The Secretary's assessment of the technical*
 8 *feasibility of using the Global Hawk high altitude en-*
 9 *durance unmanned aerial vehicle for airborne air*
 10 *surveillance.*

11 *(2) A discussion of the operational concept for*
 12 *the use of the vehicle for that purpose.*

13 **SEC. 217. UNMANNED ADVANCED CAPABILITY AIRCRAFT**
 14 **AND GROUND COMBAT VEHICLES.**

15 *(a) GOAL.—It shall be a goal of the Armed Forces to*
 16 *achieve the fielding of unmanned, remotely controlled tech-*
 17 *nology such that—*

18 *(1) by 2010, one-third of the operational deep*
 19 *strike aircraft of the Armed Forces are unmanned;*
 20 *and*

21 *(2) by 2015, one-third of the operational ground*
 22 *combat vehicles of the Armed Forces are unmanned.*

23 *(b) REPORT ON ADVANCED CAPABILITY GROUND COM-*
 24 *BAT VEHICLES.—Not later than January 31, 2001, the Sec-*
 25 *retary of Defense shall submit to the congressional defense*

1 committees a report on each of the programs undertaken
2 by the Secretaries of the Army, Navy, and Air Force jointly
3 with the Director of the Defense Advanced Research Projects
4 Agency to demonstrate advanced capability ground combat
5 vehicles. The report shall include the following for the pro-
6 gram of each military department:

7 (1) A schedule for the program, including, in the
8 case of the Army program, a schedule for the dem-
9 onstration of the capability for unmanned, remotely
10 controlled operation of advanced capability ground
11 combat vehicles for the Army.

12 (2) An identification of the funding required for
13 fiscal year 2002 and for the future-years defense pro-
14 gram to carry out the program and, in the case of the
15 Army program, for the demonstration described in
16 paragraph (1).

17 (3) A description and assessment of the acquisi-
18 tion strategy for unmanned ground combat vehicles
19 planned by the Secretary of the military department
20 concerned, together with a complete identification of
21 all operation, support, ownership, and other costs re-
22 quired to carry out such strategy through the year
23 2030.

24 (c) FUNDS.—Of the amount authorized to be appro-
25 priated for Defense-wide activities under section 201(4) for

1 *the Defense Advanced Research Projects Agency,*
 2 *\$200,000,000 shall be available only to carry out the pro-*
 3 *grams referred to in subsection (b).*

4 **SEC. 218. ARMY SPACE CONTROL TECHNOLOGY DEVELOP-**
 5 **MENT.**

6 *(a) KINETIC ENERGY ANTI-SATELLITE TECHNOLOGY*
 7 *PROGRAM.—Of the funds authorized to be appropriated*
 8 *under section 201(4), \$20,000,000 shall be available for the*
 9 *kinetic energy anti-satellite technology program.*

10 *(b) OTHER ARMY SPACE CONTROL TECHNOLOGY DE-*
 11 *VELOPMENT.—Of the funds authorized to be appropriated*
 12 *under section 201(4), \$5,000,000 shall be available for the*
 13 *development of space control technologies that emphasize re-*
 14 *versible or temporary effects.*

15 *(c) LIMITATION.—None of the funds made available*
 16 *pursuant to subsection (b) may be obligated until the funds*
 17 *provided for the kinetic energy anti-satellite technology pro-*
 18 *gram under subsection (a) have been released to the kinetic*
 19 *energy anti-satellite technology program manager.*

20 **SEC. 219. RUSSIAN AMERICAN OBSERVATION SATELLITES**
 21 **PROGRAM.**

22 *None of the funds authorized to be appropriated under*
 23 *section 201(4) for the Russian American Observation Sat-*
 24 *ellites program may be obligated or expended until 30 days*
 25 *after the Secretary of Defense submits to Congress a report*

1 *explaining how the Secretary plans to protect United States*
 2 *advanced military technology that may be associated with*
 3 *the Russian American Observation Satellites program.*

4 **SEC. 220. JOINT BIOLOGICAL DEFENSE PROGRAM.**

5 (a) *LIMITATION.*—*Funds authorized to be appro-*
 6 *priated by this Act may not be obligated for the procure-*
 7 *ment of a vaccine for the biological agent anthrax until the*
 8 *Secretary of Defense has submitted to the congressional de-*
 9 *fense committees the following:*

10 (1) *A written notification that the Food and*
 11 *Drug Administration has approved for production of*
 12 *the vaccine the manufacturing source from which the*
 13 *Department of Defense is procuring the vaccine as of*
 14 *the date of the enactment of this Act (hereafter in this*
 15 *section referred to as the “current manufacturer”).*

16 (2) *A report on the contingencies associated with*
 17 *continuing to rely on the current manufacturer to*
 18 *supply anthrax vaccine.*

19 (b) *CONTENT OF REPORT.*—*The report required under*
 20 *subsection (a)(2) shall include the following:*

21 (1) *Recommended strategies to mitigate the risk*
 22 *to the Department of Defense of losing the current*
 23 *manufacturer as a source of anthrax vaccine, together*
 24 *with a discussion of the criteria to be applied in de-*

1 *termining whether to carry out any of the strategies*
 2 *and which strategy to carry out.*

3 *(2) Recommended strategies to ensure that the*
 4 *Department of Defense can procure from any source*
 5 *or sources an anthrax vaccine approved by the Food*
 6 *and Drug Administration that meets the requirements*
 7 *of the department if—*

8 *(A) the Food and Drug Administration does*
 9 *not approve the release of the anthrax vaccine*
 10 *available from the current manufacturer; or*

11 *(B) the current manufacturer terminates the*
 12 *production of anthrax vaccine permanently.*

13 *(3) A five-year budget to support each strategy*
 14 *recommended under paragraph (1) or (2).*

15 **SEC. 221. REPORT ON BIOLOGICAL WARFARE DEFENSE VAC-**
 16 **CINE RESEARCH AND DEVELOPMENT PRO-**
 17 **GRAMS.**

18 *(a) REQUIREMENT FOR REPORT.—The Secretary of*
 19 *Defense shall submit to the congressional defense commit-*
 20 *tees, not later than February 1, 2001, a report on the acqui-*
 21 *sition of biological warfare defense vaccines for the Depart-*
 22 *ment of Defense.*

23 *(b) CONTENT OF REPORT.—The report shall include*
 24 *the following:*

1 (1) *The Secretary's evaluation of the implica-*
2 *tions of reliance on the commercial sector to meet the*
3 *requirements of the Department of Defense for biologi-*
4 *cal warfare defense vaccines.*

5 (2) *A complete design for a facility at an alter-*
6 *native site determined by the Secretary that is de-*
7 *signed to be operated under government ownership by*
8 *a contractor for the production of biological warfare*
9 *defense vaccines to meet the current and future re-*
10 *quirements of the Department of Defense for biological*
11 *warfare defense vaccines, together with—*

12 (A) *an estimation of the cost of contractor*
13 *operation of such a facility for that purpose;*

14 (B) *a determination, developed in consulta-*
15 *tion with the Surgeon General of the United*
16 *States, on the utility of such a facility to support*
17 *civilian vaccine requirements and a discussion of*
18 *the effects that the use of the facility for that*
19 *purpose would have on the operating costs for*
20 *vaccine production at the facility; and*

21 (C) *an analysis of the effects that inter-*
22 *national demand for vaccines would have on the*
23 *operating costs for vaccine production at such a*
24 *facility.*

1 (c) *BIOLOGICAL WARFARE DEFENSE VACCINE DE-*
 2 *FINED.*—*In this section, the term “biological warfare de-*
 3 *fense vaccine” means a vaccine useful for the immunization*
 4 *of military personnel to protect against biological agents*
 5 *on the Validated Threat List issued by the Joint Chiefs of*
 6 *Staff, whether such vaccine is in production or is being de-*
 7 *veloped.*

8 **SEC. 222. TECHNOLOGIES FOR DETECTION AND TRANS-**
 9 **PORT OF POLLUTANTS ATTRIBUTABLE TO**
 10 **LIVE-FIRE ACTIVITIES.**

11 (a) *INCREASE IN AMOUNT.*—*The amount authorized to*
 12 *be appropriated by section 201(4) for research, development,*
 13 *test, and evaluation Defense-wide is hereby increased by*
 14 *\$5,000,000.*

15 (b) *AVAILABILITY OF AMOUNT.*—*Of the amount au-*
 16 *thorized to be appropriated by section 201(4), as increased*
 17 *by subsection (a), the amount available for the Strategic*
 18 *Environmental Research and Development Program*
 19 *(PE6034716D) is hereby increased by \$5,000,000, with the*
 20 *amount of such increase available for the development and*
 21 *test of technologies to detect, analyze, and map the presence*
 22 *of, and transport of, pollutants and contaminants at sites*
 23 *undergoing the detection and remediation of constituents*
 24 *attributable to live-fire activities in a variety of*
 25 *hydrogeological scenarios.*

1 (c) *ADDITIONAL REQUIREMENT.*—*Performance meas-*
 2 *ures shall be established for the technologies described in*
 3 *subsection (b) for purposes of facilitating the implementa-*
 4 *tion and utilization of such technologies by the Department*
 5 *of Defense.*

6 (d) *OFFSET.*—*The amount authorized to be appro-*
 7 *priated by section 201(4) for research, development, test,*
 8 *and evaluation, Defense-wide is hereby decreased by*
 9 *\$5,000,000, with the amount of such decrease applied to*
 10 *Computing Systems and Communications Technology*
 11 *(PE602301E).*

12 **SEC. 223. ACOUSTIC MINE DETECTION.**

13 (a) *INCREASE IN AMOUNT.*—(1) *The amount author-*
 14 *ized to be appropriated by section 201(1) for research, devel-*
 15 *opment, test, and evaluation for the Army is hereby in-*
 16 *creased by \$2,500,000.*

17 (2) *Of the amount authorized to be appropriated by*
 18 *section 201(1), as increased by paragraph (1), the amount*
 19 *available for Countermine Systems (PE602712A) is hereby*
 20 *increased by \$2,500,000, with the amount of such increase*
 21 *available for research in acoustic mine detection.*

22 (b) *OFFSET.*—*The amount authorized to be appro-*
 23 *priated by section 201(4) for research, development, test,*
 24 *and evaluation Defense-wide is hereby decreased by*

1 \$2,500,000, with the amount of such decrease to be applied
 2 to Sensor Guidance Technology (PE603762E).

3 **SEC. 224. OPERATIONAL TECHNOLOGIES FOR MOUNTED**
 4 **MANEUVER FORCES.**

5 (a) *INCREASE IN AMOUNT.*—(1) The amount author-
 6 ized to be appropriated by section 201(1) for research, devel-
 7 opment, test, and evaluation for the Army is hereby in-
 8 creased by \$5,000,000.

9 (2) Of the amount authorized to be appropriated by
 10 section 201(1), as increased by paragraph (1), the amount
 11 available for Concepts Experimentation Program
 12 (PE605326A) is hereby increased by \$5,000,000, with the
 13 amount of such increase available for test and evaluation
 14 of future operational technologies for use by mounted ma-
 15 neuver forces.

16 (b) *OFFSET.*—The amount authorized to be appro-
 17 priated by section 201(4) for research, development, test,
 18 and evaluation Defense-wide is hereby decreased by
 19 \$5,000,000, with the amount of such decrease to be applied
 20 to Computing Systems and Communications Technology
 21 (PE602301E).

22 **SEC. 225. AIR LOGISTICS TECHNOLOGY.**

23 (a) *AVAILABILITY OF AMOUNT.*—Of the amount au-
 24 thorized to be appropriated by section 201(4) for research,
 25 development, test, and evaluation Defense-wide, the amount

1 *available for Generic Logistics Research and Development*
 2 *Technology Demonstrations (PE603712S) is hereby in-*
 3 *creased by \$300,000, with the amount of such increase*
 4 *available for air logistics technology.*

5 (b) *OFFSET.—Of the amount authorized to be appro-*
 6 *priated by section 201(4), the amount available for Com-*
 7 *puting Systems and Communications Technology*
 8 *(PE602301E) is hereby decreased by \$300,000.*

9 **SEC. 226. PRECISION LOCATION AND IDENTIFICATION PRO-**
 10 **GRAM (PLAID).**

11 (a) *INCREASE IN AMOUNT.—(1) The amount author-*
 12 *ized to be appropriated by section 201(3) for research, devel-*
 13 *opment, test, and evaluation for the Air Force is hereby in-*
 14 *creased by \$8,000,000.*

15 (2) *Of the amount authorized to be appropriated by*
 16 *section 201(3), as increased by paragraph (1), the amount*
 17 *available for Electronic Warfare Development*
 18 *(PE604270F) is hereby increased by \$8,000,000, with the*
 19 *amount of such increase available for the Precision Loca-*
 20 *tion and Identification Program (PLAID).*

21 (b) *OFFSET.—The amount authorized to be appro-*
 22 *priated by section 201(1) for research, development, test,*
 23 *and evaluation for the Army is hereby decreased by*
 24 *\$8,000,000, with the amount of the reduction applied to*
 25 *Electronic Warfare Development (PE604270A).*

1 **SEC. 227. NAVY INFORMATION TECHNOLOGY CENTER AND**
2 **HUMAN RESOURCE ENTERPRISE STRATEGY.**

3 (a) *AVAILABILITY OF INCREASED AMOUNT.*—(1) *Of the*
4 *amount authorized to be appropriated by section 201(2),*
5 *for research, development, test, and evaluation for the Navy,*
6 *\$5,000,000 shall be available for the Navy Program Execu-*
7 *tive Office for Information Technology for purposes of the*
8 *Information Technology Center and for the Human Re-*
9 *source Enterprise Strategy implemented under section 8147*
10 *of the Department of Defense Appropriations Act, 1999*
11 *(Public Law 105–262; 112 Stat. 2341; 10 U.S.C. 113 note).*

12 (2) *Amounts made available under paragraph (1) for*
13 *the purposes specified in that paragraph are in addition*
14 *to any other amounts made available under this Act for*
15 *such purposes.*

16 (b) *OFFSET.*—*Of the amount authorized to be appro-*
17 *priated by section 201(2), the amount available for Marine*
18 *Corps Assault Vehicles (PE603611M) is hereby reduced by*
19 *\$5,000,000.*

20 **SEC. 228. JOINT TECHNOLOGY INFORMATION CENTER INI-**
21 **TIATIVE.**

22 *Of the amount authorized to be appropriated under*
23 *section 201(4)—*

24 (1) *\$20,000,000 shall be available for the Joint*
25 *Technology Information Center Initiative; and*

1 (2) *the amount provided for cyber attack sensing*
 2 *and warning under the information systems security*
 3 *program (account 0303140G) is reduced by*
 4 *\$20,000,000.*

5 **SEC. 229. AMMUNITION RISK ANALYSIS CAPABILITIES.**

6 (a) *AVAILABILITY OF AMOUNT.*—*Of the amount au-*
 7 *thorized to be appropriated by section 201(4) for research,*
 8 *development, test, and evaluation Defense-wide, the amount*
 9 *available for Explosives Demilitarization Technology*
 10 *(PE603104D) is hereby increased by \$5,000,000, with the*
 11 *amount of such increase available for research into ammu-*
 12 *niton risk analysis capabilities.*

13 (b) *OFFSET.*—*Of the amount authorized to be appro-*
 14 *priated by section 201(4), the amount available for Com-*
 15 *puting Systems and Communications Technology*
 16 *(PE602301E) is hereby decreased by \$5,000,000.*

17 **SEC. 230. FUNDING FOR COMPARISONS OF MEDIUM AR-**
 18 **MORED COMBAT VEHICLES.**

19 *Of the amount authorized to be appropriated under*
 20 *section 201(1), \$40,000,000 shall be available for the ad-*
 21 *vanced tank armament system program for the development*
 22 *and execution of the plan for comparing costs and oper-*
 23 *ational effectiveness of medium armored combat vehicles re-*
 24 *quired under section 112(b).*

1 ***Subtitle C—Other Matters***

2 ***SEC. 241. MOBILE OFFSHORE BASE.***

3 (a) *REPORT.*—Not later than March 1, 2001, the Sec-
4 retary of Defense shall submit to Congress a report on the
5 mobile offshore base concept.

6 (b) *CONTENT OF REPORT.*—The report shall contain
7 the following:

8 (1) *A cost-benefit analysis of the mobile offshore*
9 *base, using operational concepts that would support*
10 *the National Military Strategy.*

11 (2) *A recommendation regarding whether to pro-*
12 *ceed with the mobile offshore base as a program and,*
13 *if so—*

14 (A) *a statement regarding which of the*
15 *Armed Forces is to be designated to have the lead*
16 *responsibility for the program; and*

17 (B) *a schedule for the program.*

18 ***SEC. 242. AIR FORCE SCIENCE AND TECHNOLOGY PLAN-***
19 ***NING.***

20 (a) *REPORT.*—Not later than one year after the date
21 of the enactment of this Act, the Secretary of the Air Force
22 shall submit to the congressional defense committees a re-
23 port on the long-term challenges and short-term objectives
24 of the Air Force science and technology program. The report
25 shall include the following:

1 (1) *An assessment of the budgetary resources that*
2 *are being used for fiscal year 2001 for addressing the*
3 *long-term challenges and the short-term objectives.*

4 (2) *The budgetary resources that are necessary to*
5 *address those challenges and objectives adequately.*

6 (3) *A course of action for any projected or ongoing*
7 *Air Force science and technology programs that*
8 *do not address either the long-term challenges or the*
9 *short-term objectives.*

10 (4) *The matters required under subsection (b)(5)*
11 *and (c)(6).*

12 (b) *LONG-TERM CHALLENGES.—(1) The Secretary of*
13 *the Air Force shall establish an integrated product team*
14 *to identify high-risk, high-payoff challenges that will provide*
15 *a long-term focus and motivation for the Air Force*
16 *science and technology program over the next 20 to 50*
17 *years. The integrated product team shall include representatives*
18 *of the Office of Scientific Research and personnel*
19 *from the Air Force Research Laboratory.*

20 (2) *The team shall solicit views from the entire Air*
21 *Force science and technology community on the matters*
22 *under consideration by the team.*

23 (3) *The team—*

24 (A) *shall select for consideration science and*
25 *technology challenges that involve—*

1 (i) *compelling requirements of the Air*
2 *Force;*

3 (ii) *high-risk, high-payoff areas of explo-*
4 *ration; and*

5 (iii) *very difficult, but probably achievable,*
6 *results; and*

7 (B) *should not include as a selected challenge*
8 *any linear extension of an ongoing Air Force science*
9 *and technology program.*

10 (4) *The Deputy Assistant Secretary of the Air Force*
11 *for Science, Technology, and Engineering shall designate a*
12 *technical coordinator and a management coordinator for*
13 *each science and technology challenge identified pursuant*
14 *to this subsection. Each technical coordinator shall have suf-*
15 *ficient expertise in fields related to the challenge to be able*
16 *to identify other experts and affirm the credibility of the*
17 *program. The coordinator for a science and technology chal-*
18 *lenge shall conduct workshops within the relevant scientific*
19 *and technological community to obtain suggestions for pos-*
20 *sible approaches to addressing the challenge, to identify on-*
21 *going work that addresses the challenge, to identify gaps*
22 *in current work relating to the challenge, and to highlight*
23 *promising areas of research.*

24 (5) *The report required by subsection (a) shall, at a*
25 *minimum, provide information on each science and tech-*

1 *nology challenge identified pursuant to this subsection and*
2 *describe the results of the workshops conducted pursuant to*
3 *paragraph (4), including any work not currently funded*
4 *by the Air Force that should be performed to meet the chal-*
5 *lenge.*

6 (c) *SHORT-TERM OBJECTIVES.*—(1) *The Secretary of*
7 *the Air Force shall establish a task force to identify short-*
8 *term technological objectives of the Air Force science and*
9 *technology program. The task force shall be chaired by the*
10 *Deputy Assistant Secretary of the Air Force for Science,*
11 *Technology, and Engineering and shall include representa-*
12 *tives of the Chief of Staff of the Air Force and the specified*
13 *combatant commands of the Air Force.*

14 (2) *The task force shall solicit views from the entire*
15 *Air Force requirements community, user community, and*
16 *acquisition community.*

17 (3) *The task force shall select for consideration short-*
18 *term objectives that involve—*

19 (A) *compelling requirements of the Air Force;*

20 (B) *support in the user community; and*

21 (C) *likely attainment of the desired benefits*
22 *within a 5-year period.*

23 (4) *The Deputy Assistant Secretary of the Air Force*
24 *for Science, Technology, and Engineering shall establish an*
25 *integrated product team for each short-term objective identi-*

1 *fied pursuant to this subsection. Each integrated product*
2 *team shall include representatives of the requirements com-*
3 *munity, the user community, and the science and tech-*
4 *nology community with relevant expertise.*

5 *(5) The integrated product team for a short-term objec-*
6 *tive shall be responsible for—*

7 *(A) identifying, defining, and prioritizing the*
8 *enabling capabilities that are necessary for achieving*
9 *the objective;*

10 *(B) identifying gaps in the enabling capabilities*
11 *that must be addressed if the short-term objective is*
12 *to be achieved; and*

13 *(C) working with the Air Force science and tech-*
14 *nology community to identify science and technology*
15 *projects and programs that should be undertaken to*
16 *fill each gap in an enabling capability.*

17 *(6) The report required by subsection (a) shall, at a*
18 *minimum, describe each short-term science and technology*
19 *objective identified pursuant to this subsection and describe*
20 *the work of the integrated product teams conducted pursu-*
21 *ant to paragraph (5), including any gaps identified in ena-*
22 *bling capabilities and the science and technology work that*
23 *should be undertaken to fill each such gap.*

1 **SEC. 243. ENHANCEMENT OF AUTHORITIES REGARDING**
2 **EDUCATION PARTNERSHIPS FOR PURPOSES**
3 **OF ENCOURAGING SCIENTIFIC STUDY.**

4 *(a) ASSISTANCE IN SUPPORT OF PARTNERSHIPS.—*
5 *Subsection (b) of section 2194 of title 10, United States*
6 *Code, is amended—*

7 *(1) in the matter preceding paragraph (1), by*
8 *inserting “, and is encouraged to provide,” after*
9 *“may provide”;*

10 *(2) in paragraph (1), by inserting before the*
11 *semicolon the following: “for any purpose and dura-*
12 *tion in support of such agreement that the director*
13 *considers appropriate”; and*

14 *(3) by striking paragraph (2) and inserting the*
15 *following new paragraph (2):*

16 *“(2) notwithstanding the provisions of the Fed-*
17 *eral Property and Administrative Services Act of*
18 *1949 (40 U.S.C. 471 et seq.) or any provision of law*
19 *or regulation relating to transfers of surplus property,*
20 *transferring to the institution any defense laboratory*
21 *equipment (regardless of the nature of type of such*
22 *equipment) surplus to the needs of the defense labora-*
23 *tory that is determined by the director to be appro-*
24 *priate for support of such agreement;”.*

25 *(b) DEFENSE LABORATORY DEFINED.—Subsection (e)*
26 *of that section is amended to read as follows:*

1 “(e) *In this section:*

2 “(1) *The term ‘defense laboratory’ means any*
 3 *laboratory, product center, test center, depot, training*
 4 *and educational organization, or operational com-*
 5 *mand under the jurisdiction of the Department of De-*
 6 *fense.*

7 “(2) *The term ‘local educational agency’ has the*
 8 *meaning given such term in section 14101 of the Ele-*
 9 *mentary and Secondary Education Act of 1965 (20*
 10 *U.S.C. 8801).’.*

11 ***TITLE III—OPERATION AND***
 12 ***MAINTENANCE***

13 ***Subtitle A—Authorization of***
 14 ***Appropriations***

15 ***SEC. 301. OPERATION AND MAINTENANCE FUNDING.***

16 *Funds are hereby authorized to be appropriated for fis-*
 17 *cal year 2001 for the use of the Armed Forces and other*
 18 *activities and agencies of the Department of Defense for ex-*
 19 *penses, not otherwise provided for, for operation and main-*
 20 *tenance, in amounts as follows:*

21 (1) *For the Army, \$19,031,031,000.*

22 (2) *For the Navy, \$23,254,154,000.*

23 (3) *For the Marine Corps, \$2,746,558,000.*

24 (4) *For the Air Force, \$22,389,077,000.*

25 (5) *For Defense-wide activities, \$11,922,069,000.*

- 1 (6) *For the Army Reserve, \$1,526,418,000.*
- 2 (7) *For the Naval Reserve, \$965,946,000.*
- 3 (8) *For the Marine Corps Reserve, \$138,959,000.*
- 4 (9) *For the Air Force Reserve, \$1,890,859,000.*
- 5 (10) *For the Army National Guard,*
6 *\$3,222,335,000.*
- 7 (11) *For the Air National Guard,*
8 *\$3,450,875,000.*
- 9 (12) *For the Defense Inspector General,*
10 *\$144,245,000.*
- 11 (13) *For the United States Court of Appeals for*
12 *the Armed Forces, \$8,574,000.*
- 13 (14) *For Environmental Restoration, Army,*
14 *\$389,932,000.*
- 15 (15) *For Environmental Restoration, Navy,*
16 *\$294,038,000.*
- 17 (16) *For Environmental Restoration, Air Force,*
18 *\$376,300,000.*
- 19 (17) *For Environmental Restoration, Defense-*
20 *wide, \$23,412,000.*
- 21 (18) *For Environmental Restoration, Formerly*
22 *Used Defense Sites, \$231,499,000.*
- 23 (19) *For Overseas Humanitarian, Disaster, and*
24 *Civic Aid programs, \$55,400,000.*

1 (20) *For Drug Interdiction and Counter-drug*
 2 *Activities, Defense-wide, \$845,300,000.*

3 (21) *For the Kaho'olawe Island Conveyance, Re-*
 4 *mediation, and Environmental Restoration Trust*
 5 *Fund, \$25,000,000.*

6 (22) *For Defense Health Program,*
 7 *\$11,401,723,000.*

8 (23) *For Cooperative Threat Reduction pro-*
 9 *grams, \$458,400,000.*

10 (24) *For Overseas Contingency Operations*
 11 *Transfer Fund, \$4,100,577,000.*

12 **SEC. 302. WORKING CAPITAL FUNDS.**

13 *Funds are hereby authorized to be appropriated for fis-*
 14 *cal year 2001 for the use of the Armed Forces and other*
 15 *activities and agencies of the Department of Defense for*
 16 *providing capital for working capital and revolving funds*
 17 *in amounts as follows:*

18 (1) *For the Defense Working Capital Funds,*
 19 *\$916,276,000.*

20 (2) *For the National Defense Sealift Fund,*
 21 *\$388,158,000.*

22 **SEC. 303. ARMED FORCES RETIREMENT HOME.**

23 *There is hereby authorized to be appropriated for fiscal*
 24 *year 2001 from the Armed Forces Retirement Home Trust*
 25 *Fund the sum of \$69,832,000 for the operation of the Armed*

1 *Forces Retirement Home, including the United States Sol-*
 2 *diers' and Airmen's Home and the Naval Home.*

3 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE**
 4 **TRANSACTION FUND.**

5 (a) *TRANSFER AUTHORITY.*—*To the extent provided in*
 6 *appropriations Acts, not more than \$150,000,000 is author-*
 7 *ized to be transferred from the National Defense Stockpile*
 8 *Transaction Fund to operation and maintenance accounts*
 9 *for fiscal year 2001 in amounts as follows:*

10 (1) *For the Army, \$50,000,000.*

11 (2) *For the Navy, \$50,000,000.*

12 (3) *For the Air Force, \$50,000,000.*

13 (b) *TREATMENT OF TRANSFERS.*—*Amounts trans-*
 14 *ferred under this section—*

15 (1) *shall be merged with, and be available for the*
 16 *same purposes and the same period as, the amounts*
 17 *in the accounts to which transferred; and*

18 (2) *may not be expended for an item that has*
 19 *been denied authorization of appropriations by Con-*
 20 *gress.*

21 (c) *RELATIONSHIP TO OTHER TRANSFER AUTHOR-*
 22 *ITY.*—*The transfer authority provided in this section is in*
 23 *addition to the transfer authority provided in section 1001.*

1 ***Subtitle B—Program Requirements,***
2 ***Restrictions, and Limitations***

3 ***SEC. 311. IMPACT AID FOR CHILDREN WITH DISABILITIES.***

4 *Of the total amount authorized to be appropriated*
5 *under section 301(5) for payments under section 8003 of*
6 *the Elementary and Secondary Education Act of 1965 (20*
7 *U.S.C. 7703), \$20,000,000 is available only for payments*
8 *for children with disabilities under subsection (d) of such*
9 *section.*

10 ***SEC. 312. JOINT WARFIGHTING CAPABILITIES ASSESSMENT***
11 ***TEAMS.***

12 *Of the total amount authorized to be appropriated*
13 *under section 301(5) for the Joint Staff, \$4,000,000 is*
14 *available only for the improvement of the performance of*
15 *analyses by the joint warfighting capabilities assessment*
16 *teams of the Joint Requirements Oversight Council.*

17 ***SEC. 313. WEATHERPROOFING OF FACILITIES AT KEESLER***
18 ***AIR FORCE BASE, MISSISSIPPI.***

19 *Of the total amount authorized to be appropriated by*
20 *section 301(4), \$2,800,000 is available for the weather-*
21 *proofing of facilities at Keesler Air Force Base, Mississippi.*

1 **SEC. 314. DEMONSTRATION PROJECT FOR INTERNET AC-**
2 **CESS AND SERVICES IN RURAL COMMU-**
3 **NITIES.**

4 (a) *IN GENERAL.*—*The Secretary of the Army, acting*
5 *through the Chief of the National Guard Bureau, shall carry*
6 *out a demonstration project to provide Internet access and*
7 *services to rural communities that are unserved or under-*
8 *served by the Internet.*

9 (b) *PROJECT ELEMENTS.*—*In carrying out the dem-*
10 *onstration project, the Secretary shall—*

11 (1) *establish and operate distance learning class-*
12 *rooms in communities described in subsection (a), in-*
13 *cluding any support systems required for such class-*
14 *rooms; and*

15 (2) *subject to subsection (c), provide Internet ac-*
16 *cess and services in such classrooms through*
17 *GuardNet, the telecommunications infrastructure of*
18 *the National Guard.*

19 (c) *AVAILABILITY OF ACCESS AND SERVICES.*—*Under*
20 *the demonstration project, Internet access and services shall*
21 *be available to the following:*

22 (1) *Personnel and elements of governmental*
23 *emergency management and response entities located*
24 *in communities served by the demonstration project.*

25 (2) *Members and units of the Army National*
26 *Guard located in such communities.*

1 (3) *Businesses located in such communities.*

2 (4) *Personnel and elements of local governments*
3 *in such communities.*

4 (5) *Other appropriate individuals and entities*
5 *located in such communities.*

6 (d) *REPORT.*—*Not later than February 1, 2005, the*
7 *Secretary shall submit to Congress a report on the dem-*
8 *onstration project. The report shall describe the activities*
9 *under the demonstration project and include any rec-*
10 *ommendations for the improvement or expansion of the*
11 *demonstration project that the Secretary considers appro-*
12 *priate.*

13 (e) *FUNDING.*—(1) *The amount authorized to be ap-*
14 *propriated by section 301(10) for operation and mainte-*
15 *nance of the Army National Guard is hereby increased by*
16 *\$15,000,000.*

17 (2) *Of the amount authorized to be appropriated by*
18 *section 301(10), as increased by paragraph (1), \$15,000,000*
19 *shall be available for the demonstration project required by*
20 *this section.*

21 (3) *It is the sense of Congress that requests of the Presi-*
22 *dent for funds for the National Guard for fiscal years after*
23 *fiscal year 2001 should provide for sufficient funds for the*
24 *continuation of the demonstration project required by this*
25 *section.*

1 **SEC. 315. TETHERED AEROSTAT RADAR SYSTEM (TARS)**

2 **SITES.**

3 (a) *FINDINGS.*—Congress makes the following findings:

4 (1) *Failure to operate and standardize the cur-*
5 *rent Tethered Aerostat Radar System (TARS) sites*
6 *along the Southwest border of the United States and*
7 *the Gulf of Mexico will result in a degradation of the*
8 *counterdrug capability of the United States.*

9 (2) *Most of the illicit drugs consumed in the*
10 *United States enter the United States through the*
11 *Southwest border, the Gulf of Mexico, and Florida.*

12 (3) *The Tethered Aerostat Radar System is a*
13 *critical component of the counterdrug mission of the*
14 *United States relating to the detection and apprehen-*
15 *sion of drug traffickers.*

16 (4) *Preservation of the current Tethered Aerostat*
17 *Radar System network compels drug traffickers to*
18 *transport illicit narcotics into the United States by*
19 *more risky and hazardous routes.*

20 (b) *AVAILABILITY OF FUNDS.*—Of the amount author-
21 *ized to be appropriated by section 301(20) for Drug Inter-*
22 *diction and Counter-drug Activities, Defense-wide, up to*
23 *\$33,000,000 may be made available to Drug Enforcement*
24 *Policy Support (DEP&S) for purposes of maintaining op-*
25 *erations of the 11 current Tethered Aerostat Radar System*
26 *(TARS) sites and completing the standardization of such*

1 *sites located along the Southwest border of the United States*
2 *and in the States bordering the Gulf of Mexico.*

3 **SEC. 316. MOUNTED URBAN COMBAT TRAINING SITE, FORT**
4 **KNOX, KENTUCKY.**

5 *Of the total amount authorized to be appropriated*
6 *under section 301(1) for training range upgrades,*
7 *\$4,000,000 is available for the Mounted Urban Combat*
8 *Training site, Fort Knox, Kentucky.*

9 **SEC. 317. MK-45 OVERHAUL.**

10 *Of the total amount authorized to be appropriated*
11 *under section 301(1) for maintenance, \$12,000,000 is avail-*
12 *able for overhaul of MK-45 5-inch guns.*

13 **SEC. 318. INDUSTRIAL MOBILIZATION CAPACITY AT GOV-**
14 **ERNMENT-OWNED, GOVERNMENT-OPERATED**
15 **ARMY AMMUNITION FACILITIES AND ARSE-**
16 **NALS.**

17 *Of the amount authorized to be appropriated under*
18 *section 301(1), \$51,280,000 shall be available for funding*
19 *the industrial mobilization capacity at Army ammunition*
20 *facilities and arsenals that are government owned, govern-*
21 *ment operated.*

22 **SEC. 319. CLOSE-IN WEAPON SYSTEM OVERHAULS.**

23 *Of the total amount authorized to be appropriated by*
24 *section 301(2), \$391,806,000 is available for weapons main-*
25 *tenance.*

1 **SEC. 320. SPECTRUM DATA BASE UPGRADES.**

2 *The total amount authorized to be appropriated by sec-*
 3 *tion 301(5) for Spectrum data base upgrades is reduced by*
 4 *\$10,000,000.*

5 ***Subtitle C—Humanitarian and***
 6 ***Civic Assistance***

7 **SEC. 321. INCREASED AUTHORITY TO PROVIDE HEALTH**
 8 **CARE SERVICES AS HUMANITARIAN AND**
 9 **CIVIC ASSISTANCE.**

10 *Section 401(e)(1) of title 10, United States Code, is*
 11 *amended by striking “rural areas of a country” and insert-*
 12 *ing “areas of a country that are rural or are underserved*
 13 *by medical, dental, and veterinary professionals, respec-*
 14 *tively”.*

15 **SEC. 322. USE OF HUMANITARIAN AND CIVIC ASSISTANCE**
 16 **FUNDING FOR PAY AND ALLOWANCES OF SPE-**
 17 **CIAL OPERATIONS COMMAND RESERVES FUR-**
 18 **NISHING DEMINING TRAINING AND RELATED**
 19 **ASSISTANCE AS HUMANITARIAN ASSISTANCE.**

20 *Section 401(c) of title 10, United States Code, is*
 21 *amended by adding at the end the following:*

22 *“(5) Up to 10 percent of the funds available in any*
 23 *fiscal year for humanitarian and civic assistance described*
 24 *in subsection (e)(5) may be expended for the pay and allow-*
 25 *ances of reserve component personnel of the Special Oper-*
 26 *ations Command for periods of duty for which the per-*

1 *sonnel, for a humanitarian purpose, furnish education and*
 2 *training on the detection and clearance of landmines or fur-*
 3 *nish related technical assistance.”.*

4 ***Subtitle D—Department of Defense***
 5 ***Industrial Facilities***

6 ***SEC. 331. CODIFICATION AND IMPROVEMENT OF ARMA-***
 7 ***MENT RETOOLING AND MANUFACTURING***
 8 ***SUPPORT PROGRAMS.***

9 *(a) IN GENERAL.—(1) Part IV of subtitle B of title*
 10 *10, United States Code, is amended by inserting after chap-*
 11 *ter 433 the following:*

12 ***“CHAPTER 434—ARMAMENTS INDUSTRIAL***
 13 ***BASE***

“Sec.

“4551. Policy.

“4552. Armament Retooling and Manufacturing Support Initiative.

“4553. Property management contracts and leases.

“4554. ARMS Initiative loan guarantee program.

“4555. Definitions.

14 ***“§4551. Policy***

15 *“It is the policy of the United States—*

16 *“(1) to encourage, to the maximum extent prac-*
 17 *ticable, commercial firms to use Government-owned,*
 18 *contractor-operated ammunition manufacturing fa-*
 19 *cilities of the Department of the Army;*

20 *“(2) to use such facilities for supporting pro-*
 21 *grams, projects, policies, and initiatives that promote*
 22 *competition in the private sector of the United States*

1 *economy and that advance United States interests in*
2 *the global marketplace;*

3 *“(3) to increase the manufacture of products in-*
4 *side the United States;*

5 *“(4) to support policies and programs that pro-*
6 *vide manufacturers with incentives to assist the*
7 *United States in making more efficient and economi-*
8 *cal use of Government-owned industrial plants and*
9 *equipment for commercial purposes;*

10 *“(5) to provide, as appropriate, small businesses*
11 *(including socially and economically disadvantaged*
12 *small business concerns and new small businesses)*
13 *with incentives that encourage those businesses to un-*
14 *dertake manufacturing and other industrial proc-*
15 *essing activities that contribute to the prosperity of*
16 *the United States;*

17 *“(6) to encourage the creation of jobs through in-*
18 *creased investment in the private sector of the United*
19 *States economy;*

20 *“(7) to foster a more efficient, cost-effective, and*
21 *adaptable armaments industry in the United States;*

22 *“(8) to achieve, with respect to armaments man-*
23 *ufacturing capacity, an optimum level of readiness of*
24 *the national technology and industrial base within*
25 *the United States that is consistent with the projected*

1 *threats to the national security of the United States*
 2 *and the projected emergency requirements of the*
 3 *Armed Forces of the United States; and*

4 *“(9) to encourage facility use contracting where*
 5 *feasible.*

6 **“§4552. Armament Retooling and Manufacturing**
 7 **Support Initiative**

8 *“(a) AUTHORITY FOR INITIATIVE.—The Secretary of*
 9 *the Army may carry out a program to be known as the*
 10 *‘Armament Retooling and Manufacturing Support Initia-*
 11 *tive’ (hereafter in this chapter referred to as the ‘ARMS*
 12 *Initiative’).*

13 *“(b) PURPOSES.—The purposes of the ARMS Initia-*
 14 *tive are as follows:*

15 *“(1) To encourage commercial firms, to the max-*
 16 *imum extent practicable, to use Government-owned,*
 17 *contractor-operated ammunition manufacturing fa-*
 18 *cilities of the Department of the Army for commercial*
 19 *purposes.*

20 *“(2) To increase the opportunities for small busi-*
 21 *nesses (including socially and economically disadvan-*
 22 *tagged small business concerns and new small busi-*
 23 *nesses) to use such facilities for those purposes.*

24 *“(3) To maintain in the United States a work*
 25 *force having the skills in manufacturing processes*

1 *that are necessary to meet industrial emergency*
2 *planned requirements for national security purposes.*

3 “(4) *To demonstrate innovative business prac-*
4 *tices, to support Department of Defense acquisition*
5 *reform, and to serve as both a model and a laboratory*
6 *for future defense conversion initiatives of the Depart-*
7 *ment of Defense.*

8 “(5) *To the maximum extent practicable, to*
9 *allow the operation of Government-owned, contractor-*
10 *operated ammunition manufacturing facilities of the*
11 *Department of the Army to be rapidly responsive to*
12 *the forces of free market competition.*

13 “(6) *To reduce or eliminate the cost of ownership*
14 *of ammunition manufacturing facilities by the De-*
15 *partment of the Army, including the costs of oper-*
16 *ations and maintenance, the costs of environmental*
17 *remediation, and other costs.*

18 “(7) *To reduce the cost of products of the Depart-*
19 *ment of Defense produced at ammunition manufac-*
20 *turing facilities of the Department of the Army.*

21 “(8) *To leverage private investment at Govern-*
22 *ment-owned, contractor-operated ammunition manu-*
23 *facturing facilities through long-term facility use con-*
24 *tracts, property management contracts, leases, or*
25 *other agreements that support and advance the poli-*

1 *cies and purposes of this chapter, for the following ac-*
2 *tivities:*

3 *“(A) Recapitalization of plant and equip-*
4 *ment.*

5 *“(B) Environmental remediation.*

6 *“(C) Promotion of commercial business ven-*
7 *tures.*

8 *“(D) Other activities.*

9 *“(9) To foster cooperation between the Depart-*
10 *ment of the Army, property managers, commercial*
11 *interests, and State and local agencies in the imple-*
12 *mentation of sustainable development strategies and*
13 *investment in facilities made available for purposes of*
14 *the ARMS Initiative.*

15 *“(10) To reduce or eliminate the cost of asset dis-*
16 *posal prior to a declaration by the Secretary of the*
17 *Army that property is excess to the needs of the De-*
18 *partment of the Army.*

19 *“(c) AVAILABILITY OF FACILITIES.—(1) The Secretary*
20 *of the Army may make any Government-owned, contractor-*
21 *operated ammunition manufacturing facility of the Depart-*
22 *ment of the Army available for the purposes of the ARMS*
23 *Initiative.*

24 *“(2) The authority under paragraph (1) applies to a*
25 *facility described in that paragraph without regard to*

1 *whether the facility is active, inactive, in layaway or care-*
 2 *taker status, or is designated (in whole or in part) as excess*
 3 *property under property classification procedures applica-*
 4 *ble under title II of the Federal Property and Administra-*
 5 *tive Services Act of 1949 (40 U.S.C. 481 et seq.).*

6 “(d) *PRECEDENCE OF PROVISION OVER CERTAIN*
 7 *PROPERTY MANAGEMENT LAWS.*—*The following provisions*
 8 *of law shall not apply to uses of property or facilities in*
 9 *accordance with this section to the extent that such provi-*
 10 *sions of law are inconsistent with the exercise of the author-*
 11 *ity of this section:*

12 “(1) *Section 2667(a)(3) of this title.*

13 “(2) *The Federal Property and Administrative*
 14 *Services Act of 1949 (40 U.S.C. 471 et seq.).*

15 “(3) *Section 321 of the Act of June 30, 1932*
 16 *(commonly known as the ‘Economy Act’) (40 U.S.C.*
 17 *303b).*

18 “(e) *PROGRAM SUPPORT.*—(1) *Funds appropriated for*
 19 *purposes of the ARMS Initiative may be used for adminis-*
 20 *trative support and management.*

21 “(2) *A full annual accounting of such expenses for each*
 22 *fiscal year shall be provided to the Committees on Armed*
 23 *Services and on Appropriations of the Senate and the*
 24 *House of Representatives not later than March 30 of the*
 25 *following fiscal year.*

1 **“§ 4553. Property management contracts and leases**

2 “(a) *IN GENERAL.*—*In the case of each Government-*
3 *owned, contractor-operated ammunition manufacturing fa-*
4 *cility of the Department of the Army that is made available*
5 *for the ARMS Initiative, the Secretary of the Army—*

6 “(1) *shall make full use of facility use contracts,*
7 *leases, and other such commercial contractual instru-*
8 *ments as may be appropriate;*

9 “(2) *shall evaluate, on the basis of efficiency,*
10 *cost, emergency mobilization requirements, and the*
11 *goals and purposes of the ARMS Initiative, the pro-*
12 *curement of services from the property manager, in-*
13 *cluding maintenance, operation, modification, infra-*
14 *structure, environmental restoration and remediation,*
15 *and disposal of ammunition manufacturing assets,*
16 *and other services; and*

17 “(3) *may, in carrying out paragraphs (1) and*
18 *(2)—*

19 “(A) *enter into contracts, and provide for*
20 *subcontracts, for terms up to 25 years, as the*
21 *Secretary considers appropriate and consistent*
22 *with the needs of the Department of the Army*
23 *and the goals and purposes of the ARMS Initia-*
24 *tive; and*

25 “(B) *use procedures that are authorized to*
26 *be used under section 2304(c)(5) of this title*

1 *when the contractor or subcontractor is a source*
2 *specified in law.*

3 “(b) *CONSIDERATION FOR USE.—(1) To the extent*
4 *provided in a contract entered into under this section for*
5 *the use of property at a Government-owned, contractor-op-*
6 *erated ammunition manufacturing facility that is account-*
7 *able under the contract, the Secretary of the Army may ac-*
8 *cept consideration for such use that is, in whole or in part,*
9 *in a form other than—*

10 “(A) *rental payments; or*

11 “(B) *revenue generated at the facility.*

12 “(2) *Forms of consideration acceptable under para-*
13 *graph (1) for a use of a facility or any property at a facility*
14 *include the following:*

15 “(A) *The improvement, maintenance, protection,*
16 *repair, and restoration of the facility, the property, or*
17 *any property within the boundaries of the installation*
18 *where the facility is located.*

19 “(B) *Reductions in overhead costs.*

20 “(C) *Reductions in product cost.*

21 “(3) *The authority under paragraph (1) may be exer-*
22 *cised without regard to section 3302(b) of title 31 and any*
23 *other provision of law.*

24 “(c) *REPORTING REQUIREMENT.—Not later than July*
25 *1 each year, the Secretary of the Army shall submit to the*

1 *Committees on Armed Services and on Appropriations of*
 2 *the Senate and the House of Representatives a report on*
 3 *the procedures and controls implemented to carry out this*
 4 *section.*

5 **“§4554. ARMS Initiative loan guarantee program**

6 “(a) *PROGRAM AUTHORIZED.*—Subject to subsection
 7 (b), the Secretary of the Army may carry out a loan guar-
 8 antee program to encourage commercial firms to use ammu-
 9 nition manufacturing facilities under this chapter. Under
 10 any such program, the Secretary may guarantee the repay-
 11 ment of any loan made to a commercial firm to fund, in
 12 whole or in part, the establishment of a commercial activity
 13 to use any such facility under this chapter.

14 “(b) *ADVANCED BUDGET AUTHORITY.*—Loan guaran-
 15 tees under this section may not be committed except to the
 16 extent that appropriations of budget authority to cover their
 17 costs are made in advance, as required by section 504 of
 18 the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

19 “(c) *PROGRAM ADMINISTRATION.*—(1) The Secretary
 20 may enter into an agreement with any of the officials
 21 named in paragraph (2) under which that official may, for
 22 the purposes of this section—

23 “(A) process applications for loan guarantees;

24 “(B) guarantee repayment of loans; and

1 “(C) *provide any other services to the Secretary*
2 *to administer the loan guarantee program.*

3 “(2) *The officials referred to in paragraph (1) are as*
4 *follows:*

5 “(A) *The Administrator of the Small Business*
6 *Administration.*

7 “(B) *The head of any appropriate agency in the*
8 *Department of Agriculture, including—*

9 “(i) *the Administrator of the Farmers*
10 *Home Administration; and*

11 “(ii) *the Administrator of the Rural Devel-*
12 *opment Administration.*

13 “(3) *Each official authorized to do so under an agree-*
14 *ment entered into under paragraph (1) may guarantee*
15 *loans under this section to commercial firms of any size,*
16 *notwithstanding any limitations on the size of applicants*
17 *imposed on other loan guarantee programs that the official*
18 *administers.*

19 “(4) *To the extent practicable, each official processing*
20 *loan guarantee applications under this section pursuant to*
21 *an agreement entered into under paragraph (1) shall use*
22 *the same processing procedures as the official uses for proc-*
23 *essing loan guarantee applications under other loan guar-*
24 *antee programs that the official administers.*

1 “(d) *LOAN LIMITS.*—*The maximum amount of loan*
 2 *principal guaranteed during a fiscal year under this section*
 3 *may not exceed—*

4 “(1) \$20,000,000, with respect to any single bor-
 5 *rower; and*

6 “(2) \$320,000,000 with respect to all borrowers.

7 “(e) *TRANSFER OF FUNDS.*—*The Secretary of the*
 8 *Army may transfer to an official providing services under*
 9 *subsection (c), and that official may accept, such funds as*
 10 *may be necessary to administer the loan guarantee program*
 11 *under this section.*

12 **“§4555. Definitions**

13 *“In this chapter:*

14 “(1) *The term ‘property manager’ includes any*
 15 *person or entity managing a facility made available*
 16 *under the ARMS Initiative through a property man-*
 17 *agement contract.*

18 “(2) *The term ‘property management contract’*
 19 *includes facility use contracts, site management con-*
 20 *tracts, leases, and other agreements entered into under*
 21 *the authority of this chapter.”.*

22 (2) *The tables of chapters at the beginning of subtitle*
 23 *B of such title and at the beginning of part IV of such sub-*
 24 *title are amended by inserting after the item relating to*
 25 *chapter 433 the following:*

“434. Armaments Industrial Base 4551”.

1 (b) *RELATIONSHIP TO NATIONAL DEFENSE TECH-*
 2 *NOLOGY AND INDUSTRIAL BASE.*—(1) *Subchapter IV of*
 3 *chapter 148 of title 10, United States Code, is amended—*

4 (A) *by redesignating section 2525 as section*
 5 *2521; and*

6 (B) *by adding at the end the following:*

7 **“§ 2522. Armament retooling and manufacturing**

8 *“The Secretary of the Army is authorized by chapter*
 9 *434 of this title to carry out programs for the support of*
 10 *armaments retooling and manufacturing in the national*
 11 *defense industrial and technology base.”.*

12 (2) *The table of sections at the beginning of such sub-*
 13 *chapter is amended by striking the item relating to section*
 14 *2525 and inserting the following:*

“2521. Manufacturing Technology Program.

“2522. Armament retooling and manufacturing.”.

15 (c) *REPEAL OF SUPERSEDED LAW.*—*The Armament*
 16 *Retooling and Manufacturing Support Act of 1992 (subtitle*
 17 *H of title I of the National Defense Authorization Act for*
 18 *Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2501*
 19 *note)) is repealed.*

20 **SEC. 332. CENTERS OF INDUSTRIAL AND TECHNICAL EX-**
 21 **CELLENCE.**

22 (a) *DESIGNATION OF ARMY ARSENALS.*—(1) *Sub-*
 23 *section (a) of section 2474 of title 10, United States Code,*

1 *is amended by striking paragraph (1) and inserting the fol-*
 2 *lowing:*

3 “(1) *The Secretary concerned, or the Secretary of De-*
 4 *fense in the case of a Defense Agency, shall designate as*
 5 *a Center of Industrial and Technical Excellence in the rec-*
 6 *ognized core competencies of the designee the following:*

7 “(A) *Each depot-level activity of the military de-*
 8 *partments and the Defense Agencies (other than fa-*
 9 *cilities approved for closure or major realignment*
 10 *under the Defense Base Closure and Realignment Act*
 11 *of 1990 (part A of title XXIX of Public Law 101–510;*
 12 *10 U.S.C. 2687 note)).*

13 “(B) *Each arsenal of the Army.*

14 “(C) *Each government-owned, government-oper-*
 15 *ated ammunition plant of the Army.”.*

16 (2) *Paragraph (2) of such subsection is amended—*

17 (A) *by inserting “of Defense” after “The Sec-*
 18 *retary”; and*

19 (B) *by striking “depot-level activities” and in-*
 20 *serting “Centers of Industrial and Technical Excel-*
 21 *lence”.*

22 (3) *Paragraph (3) of such subsection is amended by*
 23 *striking “the efficiency and effectiveness of depot-level oper-*
 24 *ations, improve the support provided by depot-level activi-*
 25 *ties” and inserting “the efficiency and effectiveness of oper-*

1 *ations at Centers of Industrial and Technical Excellence,*
 2 *improve the support provided by the Centers”.*

3 *(b) PUBLIC-PRIVATE PARTNERSHIPS.—Subsection (b)*
 4 *of such section is amended to read as follows:*

5 *“(b) PUBLIC-PRIVATE PARTNERSHIPS.—(1) To*
 6 *achieve one or more objectives set forth in paragraph (2),*
 7 *the Secretary designating a Center of Industrial and Tech-*
 8 *nical Excellence under subsection (a) shall authorize and*
 9 *encourage the head of the Center to enter into public-private*
 10 *cooperative arrangements that provide any of the following:*

11 *“(A) For employees of the Center, private indus-*
 12 *try, or other entities outside the Department of*
 13 *Defense—*

14 *“(i) to perform (under contract, sub-*
 15 *contract, or otherwise) work in any of the core*
 16 *competencies of the Center, including any depot-*
 17 *level maintenance and repair work that involves*
 18 *one or more core competencies of the Center; or*

19 *“(ii) to perform at the Center depot-level*
 20 *maintenance and repair work that does not in-*
 21 *volve a core competency of the Center.*

22 *“(B) For private industry or other entities out-*
 23 *side the Department of Defense to use, for any period*
 24 *of time determined to be consistent with the needs of*
 25 *the Department of Defense, any facilities or equip-*

1 *ment of the Center that are not fully utilized by a*
2 *military department for its own production or main-*
3 *tenance requirements.*

4 *“(2) The objectives for exercising the authority pro-*
5 *vided in paragraph (1) are as follows:*

6 *“(A) To maximize the utilization of the capacity*
7 *of a Center of Industrial and Technical Excellence.*

8 *“(B) To reduce or eliminate the cost of owner-*
9 *ship of a Center by the Department of Defense in such*
10 *areas of responsibility as operations and maintenance*
11 *and environmental remediation.*

12 *“(C) To reduce the cost of products of the De-*
13 *partment of Defense produced or maintained at a*
14 *Center.*

15 *“(D) To leverage private sector investment in—*

16 *“(i) such efforts as plant and equipment re-*
17 *capitalization for a Center; and*

18 *“(ii) the promotion of the undertaking of*
19 *commercial business ventures at a Center.*

20 *“(E) To foster cooperation between the armed*
21 *forces and private industry.*

22 *“(3) A public-private cooperative arrangement entered*
23 *into under this subsection shall be known as a ‘public-pri-*
24 *vate partnership’.*

1 “(4) *The Secretary designating a Center of Industrial*
 2 *and Technical Excellence under subsection (a) may waive*
 3 *the condition in paragraph (1)(A) and subsection (a)(1) of*
 4 *section 2553 of this title that an article or service must be*
 5 *not available (as defined in subsection (g)(2) of such sec-*
 6 *tion) from a United States commercial source in the case*
 7 *of a particular article or service of a public-private partner-*
 8 *ship if the Secretary determines that the waiver is necessary*
 9 *to achieve one or more objectives set forth in paragraph (2).*

10 “(5) *In any sale of articles manufactured or services*
 11 *performed by employees of a Center pursuant to a waiver*
 12 *under paragraph (4), the Secretary shall charge the full cost*
 13 *of manufacturing the articles or performing the services, as*
 14 *the case may be. The full cost charged shall include both*
 15 *direct costs and indirect costs.”.*

16 (c) *PRIVATE SECTOR USE OF EXCESS CAPACITY.—*
 17 *Such section is further amended—*

18 (1) *striking subsection (d);*

19 (2) *by redesignating subsection (c) as subsection*
 20 *(d); and*

21 (3) *by inserting after subsection (b) the following*
 22 *new subsection (c):*

23 “(c) *PRIVATE SECTOR USE OF EXCESS CAPACITY.—*
 24 *Any facilities or equipment of a Center of Industrial and*
 25 *Technical Excellence made available to private industry*

1 *may be used to perform maintenance or to produce goods*
 2 *in order to make more efficient and economical use of Gov-*
 3 *ernment-owned industrial plants and encourage the cre-*
 4 *ation and preservation of jobs to ensure the availability of*
 5 *a workforce with the necessary manufacturing and mainte-*
 6 *nance skills to meet the needs of the armed forces.”.*

7 *(d) CREDITING OF AMOUNTS FOR PERFORMANCE.—*
 8 *Subsection (d) of such section, as redesignated by subsection*
 9 *(c)(2), is amended by adding at the end the following: “Con-*
 10 *sideration in the form of rental payments or (notwith-*
 11 *standing section 3302(b) of title 31) in other forms may*
 12 *be accepted for a use of property accountable under a con-*
 13 *tract performed pursuant to this section. Notwithstanding*
 14 *section 2667(d) of this title, revenues generated pursuant*
 15 *to this section shall be available for facility operations,*
 16 *maintenance, and environmental restoration at the Center*
 17 *where the leased property is located.”.*

18 *(e) AVAILABILITY OF EXCESS EQUIPMENT TO PRI-*
 19 *VATE-SECTOR PARTNERS.—Such section is further amend-*
 20 *ed by adding at the end the following:*

21 *“(e) AVAILABILITY OF EXCESS EQUIPMENT TO PRI-*
 22 *VATE-SECTOR PARTNERS.—Equipment or facilities of a*
 23 *Center of Industrial and Technical Excellence may be made*
 24 *available for use by a private-sector entity under this sec-*
 25 *tion only if—*

1 “(1) the use of the equipment or facilities will
2 not have a significant adverse effect on the readiness
3 of the armed forces, as determined by the Secretary
4 concerned or, in the case of a Center in a Defense
5 Agency, by the Secretary of Defense; and

6 “(2) the private-sector entity agrees—

7 “(A) to reimburse the Department of De-
8 fense for the direct and indirect costs (including
9 any rental costs) that are attributable to the en-
10 tity’s use of the equipment or facilities, as deter-
11 mined by that Secretary; and

12 “(B) to hold harmless and indemnify the
13 United States from—

14 “(i) any claim for damages or injury
15 to any person or property arising out of the
16 use of the equipment or facilities, except in
17 a case of willful conduct or gross negligence;
18 and

19 “(ii) any liability or claim for dam-
20 ages or injury to any person or property
21 arising out of a decision by the Secretary
22 concerned or the Secretary of Defense to sus-
23 pend or terminate that use of equipment or
24 facilities during a war or national emer-
25 gency.

1 “(f) *CONSTRUCTION OF PROVISION.*—*Nothing in this*
 2 *section may be construed to authorize a change, otherwise*
 3 *prohibited by law, from the performance of work at a Center*
 4 *of Industrial and Technical Excellence by Department of*
 5 *Defense personnel to performance by a contractor.”.*

6 (f) *LOAN GUARANTEE PROGRAM FOR SUPPORT OF*
 7 *PUBLIC-PRIVATE PARTNERSHIPS.*—Chapter 146 of title 10,
 8 *United States Code, is amended by adding at the end the*
 9 *following:*

10 **“§2475. Centers of Industrial and Technical Excel-**
 11 **lence: loan guarantee program for sup-**
 12 **port of public-private partnerships**

13 “(a) *PROGRAM AUTHORIZED.*—*Subject to subsection*
 14 *(b), the Secretary of Defense may carry out a loan guar-*
 15 *antee program to encourage commercial firms to use Cen-*
 16 *ters of Industrial and Technical Excellence pursuant to sec-*
 17 *tion 2474 of this title. Under any such program, the Sec-*
 18 *retary may guarantee the repayment of any loan made to*
 19 *a commercial firm to fund, in whole or in part, the estab-*
 20 *lishment of public-private partnerships authorized under*
 21 *subsection (b) of such section.*

22 “(b) *ADVANCED BUDGET AUTHORITY.*—*Loan guaran-*
 23 *tees under this section may not be committed except to the*
 24 *extent that appropriations of budget authority to cover their*

1 *costs are made in advance, as required by section 504 of*
 2 *the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).*

3 “(c) *PROGRAM ADMINISTRATION.—(1) The Secretary*
 4 *may enter into an agreement with any of the officials*
 5 *named in paragraph (2) under which that official may, for*
 6 *the purposes of this section—*

7 “(A) *process applications for loan guarantees;*

8 “(B) *guarantee repayment of loans; and*

9 “(C) *provide any other services to the Secretary*
 10 *to administer the loan guarantee program.*

11 “(2) *The officials referred to in paragraph (1) are as*
 12 *follows:*

13 “(A) *The Administrator of the Small Business*
 14 *Administration.*

15 “(B) *The head of any appropriate agency in the*
 16 *Department of Agriculture, including—*

17 “(i) *the Administrator of the Farmers*
 18 *Home Administration; and*

19 “(ii) *the Administrator of the Rural Devel-*
 20 *opment Administration.*

21 “(3) *Each official authorized to do so under an agree-*
 22 *ment entered into under paragraph (1) may guarantee*
 23 *loans under this section to commercial firms of any size,*
 24 *notwithstanding any limitations on the size of applicants*

1 *imposed on other loan guarantee programs that the official*
 2 *administers.*

3 “(4) *To the extent practicable, each official processing*
 4 *loan guarantee applications under this section pursuant to*
 5 *an agreement entered into under paragraph (1) shall use*
 6 *the same processing procedures as the official uses for proc-*
 7 *essing loan guarantee applications under other loan guar-*
 8 *antee programs that the official administers.*

9 “(d) *LOAN LIMITS.—The maximum amount of loan*
 10 *principal guaranteed during a fiscal year under this section*
 11 *may not exceed—*

12 “(1) *\$20,000,000, with respect to any single bor-*
 13 *rower; and*

14 “(2) *\$320,000,000 with respect to all borrowers.*

15 “(e) *TRANSFER OF FUNDS.—The Secretary of Defense*
 16 *may transfer to an official providing services under sub-*
 17 *section (c), and that official may accept, such funds as may*
 18 *be necessary to administer the loan guarantee program*
 19 *under this section.”.*

20 “(g) *USE OF WORKING CAPITAL-FUNDED FACILI-*
 21 *TIES.—Section 2208(j) of title 10, United States Code, is*
 22 *amended—*

23 “(1) *by striking “contract; and” in paragraph (1)*
 24 *and all that follows through “(2) the Department of*

1 *Defense” in paragraph (2) and inserting the fol-*
 2 *lowing: “contract, and the Department of Defense”;*

3 *(2) by striking the period at the end and insert-*
 4 *ing “; or”; and*

5 *(3) by adding at the end the following:*

6 *“(2) the Secretary would advance the objectives*
 7 *set forth in section 2474(b)(2) of this title by author-*
 8 *izing the facility to do so.”.*

9 *(h) REPEAL OF GENERAL AUTHORITY TO LEASE EX-*
 10 *CESS DEPOT-LEVEL EQUIPMENT AND FACILITIES TO OUT-*
 11 *SIDE TENANTS.—Section 2471 of title 10, United States*
 12 *Code, is repealed.*

13 *(i) CLERICAL AMENDMENTS.—The table of sections at*
 14 *the beginning of chapter 146 of such title is amended—*

15 *(1) by striking the item relating to section 2471;*

16 *and*

17 *(2) by adding at the end the following:*

“2475. Centers of Industrial and Technical Excellence: loan guarantee program
 for support of public-private partnerships.”.

18 **SEC. 333. EFFECTS OF OUTSOURCING ON OVERHEAD COSTS**
 19 **OF CENTERS OF INDUSTRIAL AND TECH-**
 20 **NICAL EXCELLENCE AND AMMUNITION**
 21 **PLANTS.**

22 *(a) FINDINGS.—Congress makes the following findings:*

23 *(1) Centers of Industrial and Technical Excel-*
 24 *lence and ammunition plants of the United States*

1 comprise a vital component of the national technology
 2 and industrial base that ensures that there is suffi-
 3 cient domestic industrial capacity to meet the needs
 4 of the Armed Forces for certain critical defense equip-
 5 ment and supplies in time of war or national emer-
 6 gency.

7 (2) *Underutilization of the Centers of Industrial*
 8 *and Technical Excellence and ammunition plants in*
 9 *peacetime does not diminish the critical importance*
 10 *of those centers and ammunition plants to the na-*
 11 *tional defense.*

12 (b) *REQUIREMENT FOR REPORTS.*—(1) *Subchapter V*
 13 *of chapter 148 of title 10, United States Code, is amended*
 14 *by adding at the end the following:*

15 **“§2539c. Centers of Industrial and Technical Excel-**
 16 **lence and ammunition plants of the**
 17 **United States: effects of outsourcing on**
 18 **overhead costs**

19 *“Not later than 30 days before any official of the De-*
 20 *partment of Defense enters into a contract with a private*
 21 *sector source for the performance of a workload already*
 22 *being performed by more than 50 employees at a Center*
 23 *of Industrial and Technical Excellence designated under*
 24 *section 2474(a) of this title or an ammunition plant of the*
 25 *United States, the Secretary of Defense shall submit to Con-*

1 *gress a report describing the effect that the performance and*
 2 *administration of the contract will have on the overhead*
 3 *costs of the center or ammunition plant, as the case may*
 4 *be.”.*

5 *(2) The table of sections at the beginning of subchapter*
 6 *V of such chapter is amended by adding at the end the fol-*
 7 *lowing:*

*“2539c. Centers of Industrial and Technical Excellence and ammunition plants
 of the United States: effects of outsourcing on overhead costs.”.*

8 **SEC. 334. REVISION OF AUTHORITY TO WAIVE LIMITATION**
 9 **ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.**
 10 **NANCE.**

11 *Section 2466(c) of title 10, United States Code, is*
 12 *amended to read as follows:*

13 *“(c) WAIVER OF LIMITATION.—The President may*
 14 *waive the limitation in subsection (a) for a fiscal year if—*

15 *“(1) the President determines that—*

16 *“(A) the waiver is necessary for reasons of*
 17 *national security; and*

18 *“(B) compliance with the limitation cannot*
 19 *be achieved through effective management of*
 20 *depot operations consistent with those reasons;*
 21 *and*

22 *“(2) the President submits to Congress a notifi-*
 23 *cation of the waiver together with a discussion of the*
 24 *reasons for the waiver.”.*

1 **SEC. 335. UNUTILIZED AND UNDERUTILIZED PLANT-CAPAC-**
2 **ITY COSTS OF UNITED STATES ARSENALS.**

3 (a) *IN GENERAL.*—(1) *The Secretary of the Army shall*
4 *submit to Congress each year, together with the President’s*
5 *budget for the fiscal year beginning in such year under sec-*
6 *tion 1105(a) of title 31, an estimate of the funds to be re-*
7 *quired in the fiscal year in order to cover the costs of oper-*
8 *ating and maintaining unutilized and underutilized plant*
9 *capacity at United States arsenals.*

10 (2) *Funds appropriated to the Secretary for a fiscal*
11 *year for costs described in paragraph (1) shall be utilized*
12 *by the Secretary in such fiscal year only to cover such costs.*

13 (3) *Notwithstanding any other provision of law, the*
14 *Secretary shall not include unutilized or underutilized*
15 *plant-capacity costs when evaluating an arsenal’s bid for*
16 *purposes of the arsenal’s contracting to provide a good or*
17 *service to a United States Government organization. When*
18 *an arsenal is subcontracting to a private-sector entity on*
19 *a good or service to be provided to a United States Govern-*
20 *ment organization, the cost charged by the arsenal shall not*
21 *include unutilized or underutilized plant-capacity costs*
22 *that are funded by a direct appropriation.*

23 (b) *DEFINITION.*—*For purposes of this section, the*
24 *term “unutilized and underutilized plant-capacity cost”*
25 *shall mean the cost associated with operating and main-*
26 *taining arsenal facilities and equipment that the Secretary*

1 *of the Army determines are required to be kept for mobiliza-*
 2 *tion needs, in those months in which the facilities and*
 3 *equipment are not used or are used only 20 percent or less*
 4 *of available work days.*

5 ***Subtitle E—Environmental***
 6 ***Provisions***

7 ***SEC. 341. ENVIRONMENTAL RESTORATION ACCOUNTS.***

8 *(a) ADDITIONAL ACCOUNT FOR FORMERLY USED DE-*
 9 *FENSE SITES.—Subsection (a) of section 2703 of title 10,*
 10 *United States Code, is amended by adding at the end the*
 11 *following new paragraph:*

12 “(5) *An account to be known as the ‘Environ-*
 13 *mental Restoration Account, Formerly Used Defense*
 14 *Sites’.*”.

15 *(b) ACCOUNTS AS SOLE SOURCE OF FUNDS FOR OPER-*
 16 *ATION AND MONITORING OF ENVIRONMENTAL REMEDIES.—*
 17 *That section is further amended by adding at the end the*
 18 *following:*

19 “(f) *ACCOUNTS AS SOLE SOURCE OF FUNDS FOR ENVI-*
 20 *RONMENTAL REMEDIES.—(1) The sole source of funds for*
 21 *the long-term operation and monitoring of an environ-*
 22 *mental remedy at a facility under the jurisdiction of the*
 23 *Department of Defense shall be the applicable environ-*
 24 *mental restoration account under subsection (a).*

1 “(2) *In this subsection, the term ‘environmental rem-*
 2 *edy’ shall have the meaning given the term ‘remedy’ under*
 3 *section 101(24) of CERCLA (42 U.S.C. 9601(24)).”.*

4 **SEC. 342. PAYMENT OF FINES AND PENALTIES FOR ENVI-**
 5 **RONMENTAL COMPLIANCE VIOLATIONS.**

6 *(a) PAYMENT OF FINES AND PENALTIES.—(1) Chapter*
 7 *160 of title 10, United States Code, is amended by adding*
 8 *at the end the following new section:*

9 **“§2710. Environmental compliance: payment of fines**
 10 **and penalties for violations**

11 *“(a) IN GENERAL.—The Secretary of Defense or the*
 12 *Secretary of a military department may not pay a fine*
 13 *or penalty for an environmental compliance violation that*
 14 *is imposed by a Federal agency against the Department of*
 15 *Defense or such military department, as the case may be,*
 16 *unless the payment of the fine or penalty is specifically au-*
 17 *thorized by law, if the amount of the fine or penalty (in-*
 18 *cluding any supplemental environmental projects carried*
 19 *out as part of such penalty) is \$1,500,000 or more.*

20 *“(b) DEFINITIONS.—In this section:*

21 *“(1)(A) Except as provided in subparagraph*
 22 *(B), the term ‘environmental compliance’, in the case*
 23 *of on-going operations, functions, or activities at a*
 24 *Department of Defense facility, means the activities*
 25 *necessary to ensure that such operations, functions, or*

1 *activities meet requirements under applicable envi-*
 2 *ronmental law.*

3 *“(B) The term does not include operations, func-*
 4 *tions, or activities relating to environmental restora-*
 5 *tion under this chapter that are conducted using*
 6 *funds in an environmental restoration account under*
 7 *section 2703(a) of this title.*

8 *“(2) The term ‘violation’, in the case of environ-*
 9 *mental compliance, means an act or omission result-*
 10 *ing in the failure to ensure the compliance.*

11 *“(c) EXPIRATION OF PROHIBITION.—This section does*
 12 *not apply to any part of a violation described in subsection*
 13 *(a) that occurs on or after the date that is three years after*
 14 *the date of the enactment of the National Defense Authoriza-*
 15 *tion Act for Fiscal Year 2001.”.*

16 *(2) The table of sections at the beginning of such chap-*
 17 *ter is amended by adding at the end the following new item:*

“2710. Environmental compliance: payment of fines and penalties for violations.”.

18 *(b) APPLICABILITY.—(1) Section 2710 of title 10,*
 19 *United States Code (as added by subsection (a)), shall take*
 20 *effect on the date of the enactment of this Act.*

21 *(2) Subsection (a)(1) of that section, as so added, shall*
 22 *not apply with respect to any supplemental environmental*
 23 *projects referred to in that subsection that were agreed to*
 24 *before the date of the enactment of this Act.*

1 **SEC. 343. ANNUAL REPORTS UNDER STRATEGIC ENVIRON-**
2 **MENTAL RESEARCH AND DEVELOPMENT PRO-**
3 **GRAM.**

4 *(a) REPEAL OF REQUIREMENT FOR ANNUAL REPORT*
5 *FROM SCIENTIFIC ADVISORY BOARD.*—Section 2904 of title
6 10, United States Code, is amended—

7 *(1) by striking subsection (h); and*

8 *(2) by redesignating subsection (i) as subsection*
9 *(h).*

10 *(b) INCLUSION OF ACTIONS OF BOARD IN ANNUAL RE-*
11 *PORTS OF COUNCIL.*—Section 2902(d)(3) of such title is
12 amended by adding at the end the following subparagraph:

13 *“(D) A summary of the actions of the Stra-*
14 *tegic Environmental Research and Development*
15 *Program Scientific Advisory Board during the*
16 *year preceding the year in which the report is*
17 *submitted and any recommendations, including*
18 *recommendations on program direction and leg-*
19 *islation, that the Advisory Board considers ap-*
20 *propriate regarding the program.”.*

21 **SEC. 344. PAYMENT OF FINES OR PENALTIES IMPOSED FOR**
22 **ENVIRONMENTAL COMPLIANCE VIOLATIONS**
23 **AT CERTAIN DEPARTMENT OF DEFENSE FA-**
24 **CILITIES.**

25 *(a) ARMY.*—The Secretary of the Army may, from
26 amounts authorized to be appropriated for the Army by this

1 *title and available for such purpose, utilize amounts for the*
2 *purposes and at the locations, as follows:*

3 (1) \$993,000 for a Supplemental Environmental
4 *Project to implement an installation-wide hazardous*
5 *substance management system at Walter Reed Army*
6 *Medical Center, Washington, District of Columbia, in*
7 *satisfaction of a fine imposed by Environmental Pro-*
8 *tection Agency Region 3 under the Solid Waste Dis-*
9 *posal Act (42 U.S.C. 6901 et seq.).*

10 (2) \$377,250 for a Supplemental Environmental
11 *Project to install new parts washers at Fort Camp-*
12 *bell, Kentucky, in satisfaction of a fine imposed by*
13 *Environmental Protection Agency Region 4 under the*
14 *Solid Waste Disposal Act.*

15 (3) \$20,701 for a Supplemental Environmental
16 *Project to upgrade the wastewater treatment plant at*
17 *Fort Gordon, Georgia, in satisfaction of a fine im-*
18 *posed by the State of Georgia under the Solid Waste*
19 *Disposal Act.*

20 (4) \$78,500 for Supplemental Environmental
21 *Projects to reduce the generation of hazardous waste*
22 *at Pueblo Chemical Depot, Colorado, in satisfaction of*
23 *a fine imposed by the State of Colorado under the*
24 *Solid Waste Disposal Act.*

1 (5) \$20,000 for a Supplemental Environmental
2 Project to repair cracks in floors of igloos used to
3 store munitions hazardous waste at Deseret Chemical
4 Depot, Utah, in satisfaction of a fine imposed by the
5 State of Utah under the Solid Waste Disposal Act.

6 (6) \$7,975 for payment to the Texas Natural Re-
7 source Conservation Commission of a cash fine for
8 permit violations assessed under the Solid Waste Dis-
9 posal Act.

10 (b) NAVY.—The Secretary of the Navy may, from
11 amounts authorized to be appropriated for the Navy by this
12 title and available for such purpose, utilize amounts for the
13 purposes and at the locations, as follows:

14 (1) \$108,800 for payment to the West Virginia
15 Division of Environmental Protection of a cash pen-
16 alty with respect to Allegany Ballistics Laboratory,
17 West Virginia, under the Solid Waste Disposal Act.

18 (2) \$5,000 for payment to Environmental Pro-
19 tection Agency Region 6 of a cash penalty with re-
20 spect to Naval Air Station, Corpus Christi, Texas,
21 under the Clean Air Act (42 U.S.C. 7401).

1 **SEC. 345. REIMBURSEMENT FOR CERTAIN COSTS IN CON-**
2 **NECTION WITH THE FORMER NANSEMOND**
3 **ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.**

4 (a) *AUTHORITY.*—The Secretary of Defense may pay,
5 using funds described in subsection (b), not more than
6 \$98,210 to the Former Nansemond Ordnance Depot Site
7 Special Account within the Hazardous Substance Super-
8 fund established by section 9507 of the Internal Revenue
9 Code of 1986 (26 U.S.C. 9507) to reimburse the Environ-
10 mental Protection Agency for costs incurred by the agency
11 in overseeing a time critical removal action under
12 CERCLA being performed by the Department of Defense
13 under the Defense Environmental Restoration Program for
14 ordnance and explosive safety hazards at the Former
15 Nansemond Ordnance Depot Site, Suffolk, Virginia, pursu-
16 ant to an Interagency Agreement entered into by the De-
17 partment of the Army and the Environmental Protection
18 Agency on January 3, 2000.

19 (b) *SOURCE OF FUNDS.*—Any payment under sub-
20 section (a) shall be made using amounts authorized to be
21 appropriated by section 301 to the Environmental Restora-
22 tion Account, Formerly Used Defense Sites, established by
23 paragraph (5) of section 2703(a) of title 10, United States
24 Code, as added by section 341(a) of this Act.

25 (c) *DEFINITIONS.*—In this section:

1 (1) *The term “CERCLA” means the Comprehen-*
2 *sive Environmental Response, Compensation, and Li-*
3 *ability Act of 1980 (42 U.S.C. 9601 et seq.).*

4 (2) *The term “Defense Environmental Restora-*
5 *tion Program” means the program of environmental*
6 *restoration carried out under chapter 160 of title 10,*
7 *United States Code.*

8 **SEC. 346. ENVIRONMENTAL RESTORATION ACTIVITIES.**

9 (a) *AUTHORITY TO USE FUNDS FOR FACILITIES RE-*
10 *LOCATION.—During the period beginning on October 1,*
11 *2000, and ending on September 30, 2003, the Secretary con-*
12 *cerned may use funds available under section 2703 of title*
13 *10, United States Code, to pay for the costs of permanently*
14 *relocating facilities because of a release or threatened release*
15 *of hazardous substances, pollutants, or contaminants*
16 *from—*

17 (1) *real property or facilities currently under the*
18 *jurisdiction of the Secretary of Defense; or*

19 (2) *real property or facilities that were under the*
20 *jurisdiction of the Secretary of Defense at the time of*
21 *the actions leading to such release or threatened re-*
22 *lease.*

23 (b) *LIMITATIONS.—(1) The Secretary concerned may*
24 *not pay the costs of permanently relocating facilities under*
25 *subsection (a) unless the Secretary concerned determines in*

1 *writing that such permanent relocation of facilities is part*
2 *of a response action that—*

3 *(A) has the support of the affected community;*

4 *(B) has the approval of relevant regulatory agen-*
5 *cies; and*

6 *(C) is the most cost effective response action*
7 *available.*

8 *(2) Not more than 5 percent of the funds available*
9 *under section 2703 of title 10, United States Code, in any*
10 *fiscal year may be used to pay the costs of permanently*
11 *relocating facilities pursuant to the authority in subsection*
12 *(a).*

13 *(c) REPORTS.—(1) Not later than November 30 of each*
14 *of 2001, 2002, and 2003, the Secretary of Defense shall sub-*
15 *mit to Congress a report on each response action for which*
16 *a written determination has been made under subsection*
17 *(b)(1) in the fiscal year ending in such year.*

18 *(2) Each report for a fiscal year under paragraph (1)*
19 *shall contain the following:*

20 *(A) A copy of each written determination under*
21 *subsection (b)(1) during such fiscal year.*

22 *(B) A description of the response action taken or*
23 *to be taken in connection with each such written de-*
24 *termination.*

1 (C) *A statement of the costs incurred or to be in-*
 2 *curred in connection with the permanent relocation of*
 3 *facilities covered by each such written determination.*

4 (d) *SECRETARY CONCERNED DEFINED.*—*In this sec-*
 5 *tion, the term “Secretary concerned” means the following:*

6 (1) *The Secretary of a military department, with*
 7 *regard to real property or facilities for which such*
 8 *military department is the lead agency.*

9 (2) *The Secretary of Defense, for any other real*
 10 *property or facilities.*

11 **SEC. 347. SHIP DISPOSAL PROJECT.**

12 (a) *CONTINUATION OF PROJECT.*—(1) *Subject to the*
 13 *provisions of this subsection, the Secretary of the Navy shall*
 14 *continue to carry out a ship disposal project within the*
 15 *United States during fiscal year 2001.*

16 (2) *The scope of the ship disposal project shall be suffi-*
 17 *cient to permit the Secretary to assemble appropriate data*
 18 *on the cost of scrapping ships.*

19 (3) *The Secretary shall use competitive procedures to*
 20 *award all task orders under the primary contracts under*
 21 *the ship disposal project.*

22 (b) *REPORT.*—*Not later than December 31, 2000, the*
 23 *Secretary shall submit to the congressional defense commit-*
 24 *tees a report on the ship disposal project referred to in sub-*
 25 *section (a). The report shall contain the following:*

1 (1) *A description of the competitive procedures*
 2 *used for the solicitation and award of all task orders*
 3 *under the project.*

4 (2) *A description of the task orders awarded*
 5 *under the project.*

6 (3) *An assessment of the results of the project as*
 7 *of the date of the report, including the performance of*
 8 *contractors under the project.*

9 (4) *The proposed strategy of the Navy for future*
 10 *procurement of ship scrapping activities.*

11 **SEC. 348. REPORT ON DEFENSE ENVIRONMENTAL SECU-**
 12 **RITY CORPORATE INFORMATION MANAGE-**
 13 **MENT PROGRAM.**

14 (a) *REPORT REQUIRED.*—Not later than 60 days after
 15 *the date of the enactment of this Act, the Secretary of De-*
 16 *fense shall submit to the congressional defense committees*
 17 *a report on the Defense Environmental Security Corporate*
 18 *Information Management program.*

19 (b) *REPORT ELEMENTS.*—The report under subsection
 20 (a) *shall include the following elements:*

21 (1) *The recommendations of the Secretary for the*
 22 *future mission of the Defense Environmental Security*
 23 *Corporate Information Management program.*

24 (2) *A discussion of the means by which the pro-*
 25 *gram will address or provide the following:*

1 (A) *Information access procedures which*
2 *keep pace with current and evolving require-*
3 *ments for information access.*

4 (B) *Data standardization and systems inte-*
5 *gration.*

6 (C) *Product failures and cost-effective re-*
7 *sults.*

8 (D) *User confidence and utilization.*

9 (E) *Program continuity.*

10 (F) *Program accountability, including ac-*
11 *countability for all past, current, and future ac-*
12 *tivities funded under the program.*

13 (G) *Program management and oversight.*

14 (H) *Program compliance with applicable*
15 *requirements of the Clinger-Cohen Act of 1996*
16 *(divisions D and E of Public Law 104–106) and*
17 *applicable requirements under other provisions*
18 *of law.*

19 **SEC. 349. REPORT ON PLASMA ENERGY PYROLYSIS SYSTEM.**

20 (a) *REPORT REQUIRED.*—*Not later than October 1,*
21 *2000, the Secretary of the Army shall submit to the congres-*
22 *sional defense committees a report on the Plasma Energy*
23 *Pyrolysis System (PEPS).*

1 (b) *REPORT ELEMENTS.*—*The report on the Plasma*
 2 *Energy Pyrolysis System under subsection (a) shall include*
 3 *the following:*

4 (1) *An analysis of available information and*
 5 *data on the fixed-transportable unit demonstration*
 6 *phase of the System and on the mobile unit dem-*
 7 *onstration phase of the System.*

8 (2) *Recommendations regarding future applica-*
 9 *tions for each phase of the System described in para-*
 10 *graph (1).*

11 (3) *A statement of the projected funding for such*
 12 *future applications.*

13 ***Subtitle F—Other Matters***

14 ***SEC. 361. EFFECTS OF WORLDWIDE CONTINGENCY OPER-*** 15 ***ATIONS ON READINESS OF CERTAIN MILI-*** 16 ***TARY AIRCRAFT AND EQUIPMENT.***

17 (a) *REQUIREMENT FOR REPORT.*—*The Secretary of*
 18 *Defense shall submit to Congress, not later than 180 days*
 19 *after the date of the enactment of this Act, a report on—*

20 (1) *the effects of worldwide contingency oper-*
 21 *ations of the Navy, Marine Corps, and Air Force on*
 22 *the readiness of aircraft of those Armed Forces; and*

23 (2) *the effects of worldwide contingency oper-*
 24 *ations of the Army and Marine Corps on the readi-*
 25 *ness of ground equipment of those Armed Forces.*

1 (b) *CONTENT OF REPORT.*—The report shall contain
2 the Secretary's assessment of the effects of the contingency
3 operations referred to in subsection (a) on the capability
4 of the Department of Defense to maintain a high level of
5 equipment readiness and to manage a high operating tempo
6 for the aircraft and ground equipment.

7 (c) *EFFECTS ON AIRCRAFT.*—The assessment con-
8 tained in the report shall address, with respect to aircraft,
9 the following effects:

10 (1) *The effects of the contingency operations car-*
11 *ried out during fiscal years 1995 through 2000 on the*
12 *aircraft of each of the Navy, Marine Corps, and Air*
13 *Force in each category of aircraft, as follows:*

14 (A) *Combat tactical aircraft.*

15 (B) *Strategic aircraft.*

16 (C) *Combat support aircraft.*

17 (D) *Combat service support aircraft.*

18 (2) *The types of adverse effects on the aircraft of*
19 *each of the Navy, Marine Corps, and Air Force in*
20 *each category of aircraft specified in paragraph (1)*
21 *resulting from contingency operations, as follows:*

22 (A) *Patrolling in no-fly zones—*

23 (i) *over Iraq in Operation Northern*
24 *Watch;*

1 (ii) over Iraq in Operation Southern
2 Watch; and

3 (iii) over the Balkans in Operation Al-
4 lied Force.

5 (B) Air operations in the NATO air war
6 against Serbia in Operation Sky Anvil, Oper-
7 ation Noble Anvil, and Operation Allied Force.

8 (C) Air operations in Operation Shining
9 Hope in Kosovo.

10 (D) All other activities within the general
11 context of worldwide contingency operations.

12 (3) Any other effects that the Secretary considers
13 appropriate in carrying out subsection (a).

14 (d) *EFFECTS ON GROUND EQUIPMENT.*—The assess-
15 ment contained in the report shall address, with respect to
16 ground equipment, the following effects:

17 (1) The effects of the contingency operations car-
18 ried out during fiscal years 1995 through 2000 on the
19 ground equipment of each of the Army and Marine
20 Corps.

21 (2) Any other effects that the Secretary considers
22 appropriate in carrying out subsection (a).

1 **SEC. 362. REALISTIC BUDGETING FOR READINESS RE-**
2 **QUIREMENTS OF THE ARMY.**

3 (a) *REQUIREMENT FOR NEW METHODOLOGY.*—The
4 *Secretary of the Army shall develop a new methodology for*
5 *preparing budget requests for operation and maintenance*
6 *that can be used to ensure that the budget requests for oper-*
7 *ation and maintenance for future fiscal years more accu-*
8 *rately reflect the Army's requirements than do the budget*
9 *requests that have been submitted to Congress for fiscal year*
10 *2001 and preceding fiscal years.*

11 (b) *SENSE OF CONGRESS ON THE NEW METHOD-*
12 *ODOLOGY.*—*It is the sense of Congress that—*

13 (1) *the methodology should provide for the deter-*
14 *mination of the budget levels to request for operation*
15 *and maintenance to be based on—*

16 (A) *the level of training that must be con-*
17 *ducted in order to maintain essential readiness;*

18 (B) *the cost of conducting the training at*
19 *that level; and*

20 (C) *the costs of all other Army operations,*
21 *including the cost of meeting infrastructure re-*
22 *quirements; and*

23 (2) *the Secretary should use the new methodology*
24 *in the preparation of the budget requests for operation*
25 *and maintenance for fiscal years after fiscal year*
26 *2001.*

1 **SEC. 363. ADDITIONS TO PLAN FOR ENSURING VISIBILITY**
 2 **OVER ALL IN-TRANSIT END ITEMS AND SEC-**
 3 **ONDARY ITEMS.**

4 (a) *REQUIRED ADDITIONS.*—Subsection (d) of section
 5 349 of the Strom Thurmond National Defense Authoriza-
 6 tion Act for Fiscal Year 1999 (Public Law 105–261; 112
 7 Stat. 1981; 10 U.S.C. 2458 note) is amended—

8 (1) by inserting before the period at the end of
 9 paragraph (1) “, including specific actions to address
 10 underlying weaknesses in the controls over items being
 11 shipped”; and

12 (2) by adding at the end the following:

13 “(5) The key management elements for moni-
 14 toring, and for measuring the progress achieved in,
 15 the implementation of the plan, including—

16 “(A) the assignment of oversight responsi-
 17 bility for each action identified pursuant to
 18 paragraph (1);

19 “(B) a description of the resources required
 20 for oversight; and

21 “(C) an estimate of the annual cost of over-
 22 sight.”.

23 (b) *CONFORMING AMENDMENTS.*—(1) Subsection (a) of
 24 such section is amended by striking “Not later than” and
 25 all that follows through “Congress” and inserting “The Sec-
 26 retary of Defense shall prescribe and carry out”.

1 (2) *Such section is further amended by adding at the*
 2 *end the following:*

3 “(f) *SUBMISSIONS TO CONGRESS.*—*After the Secretary*
 4 *submits the plan to Congress (on a date not later than*
 5 *March 1, 1999), the Secretary shall submit to Congress any*
 6 *revisions to the plan that are required by any law enacted*
 7 *after October 17, 1998. The revisions so made shall be sub-*
 8 *mitted not later than 180 days after the date of the enact-*
 9 *ment of the law requiring the revisions.”.*

10 (3) *Subsection (e)(1) of such section is amended by*
 11 *striking “submits the plan” and inserting “submits the ini-*
 12 *tial plan”.*

13 **SEC. 364. PERFORMANCE OF EMERGENCY RESPONSE FUNC-**
 14 **TIONS AT CHEMICAL WEAPONS STORAGE IN-**
 15 **STALLATIONS.**

16 (a) *RESTRICTION ON CONVERSION.*—*The Secretary of*
 17 *the Army may not convert to contractor performance the*
 18 *emergency response functions of any chemical weapons stor-*
 19 *age installation that, as of the date of the enactment of this*
 20 *Act, are performed for that installation by employees of the*
 21 *United States until the certification required by subsection*
 22 *(c) has been submitted in accordance with that subsection.*

23 (b) *COVERED INSTALLATIONS.*—*For the purposes of*
 24 *this section, a chemical weapons storage installation is any*

1 *installation of the Department of Defense on which lethal*
2 *chemical agents or munitions are stored.*

3 (c) *CERTIFICATION REQUIREMENT.*—*The Secretary of*
4 *the Army shall certify in writing to the Committees on*
5 *Armed Services of the Senate and the House of Representa-*
6 *tives that, to ensure that there will be no lapse of capability*
7 *to perform the chemical weapon emergency response mission*
8 *at a chemical weapons storage installation during any*
9 *transition to contractor performance of those functions at*
10 *that installation, the plan for conversion of the performance*
11 *of those functions—*

12 (1) *is consistent with the recommendation con-*
13 *tained in General Accounting Office Report NSIAD–*
14 *00–88, entitled “DoD Competitive Sourcing”, dated*
15 *March 2000; and*

16 (2) *provides for a transition to contractor per-*
17 *formance of emergency response functions which en-*
18 *sures an adequate transfer of the relevant knowledge*
19 *and expertise regarding chemical weapon emergency*
20 *response to the contractor personnel.*

1 **SEC. 365. CONGRESSIONAL NOTIFICATION OF USE OF**
2 **RADIO FREQUENCY SPECTRUM BY A SYSTEM**
3 **ENTERING ENGINEERING AND MANUFAC-**
4 **TURING DEVELOPMENT.**

5 *Before a decision is made to enter into the engineering*
6 *and manufacturing development phase of a program for the*
7 *acquisition of a system that is to use the radio frequency*
8 *spectrum, the Secretary of Defense shall submit to the con-*
9 *gressional defense committees a report setting forth the fol-*
10 *lowing:*

11 *(1) The frequency or frequencies that the system*
12 *will use.*

13 *(2) A statement of whether the Department of*
14 *Defense is, or is to be, designated as the primary user*
15 *of the particular frequency or frequencies.*

16 *(3) If not, the unique technical characteristics*
17 *that make it necessary to use the particular frequency*
18 *or frequencies.*

19 *(4) A description of the protections that the De-*
20 *partment of Defense has been given to ensure that it*
21 *will not incur costs as a result of current or future*
22 *interference from other users of the particular fre-*
23 *quency or frequencies.*

1 **SEC. 366. MONITORING OF VALUE OF PERFORMANCE OF DE-**
 2 **PARTMENT OF DEFENSE FUNCTIONS BY**
 3 **WORKFORCES SELECTED FROM BETWEEN**
 4 **PUBLIC AND PRIVATE WORKFORCES.**

5 (a) *REQUIREMENT FOR A MONITORING SYSTEM.—(1)*
 6 *Chapter 146 of title 10, United States Code, as amended*
 7 *by section 332(f), is further amended by adding at the end*
 8 *the following:*

9 **“§2476. Public-private workforce selections: system**
 10 **for monitoring value**

11 “(a) *SYSTEM FOR MONITORING PERFORMANCE.—(1)*
 12 *The Secretary of Defense shall establish a system for moni-*
 13 *toring the performance of functions of the Department of*
 14 *Defense that—*

15 “(A) *are performed by 50 or more employees of*
 16 *the department; and*

17 “(B) *have been subjected to a workforce review.*

18 “(2) *In this section, the term ‘workforce review’, with*
 19 *respect to a function, is a review to determine whether the*
 20 *function should be performed by a workforce composed of*
 21 *Federal Government employees or by a private sector work-*
 22 *force, and includes any review for that purpose that is car-*
 23 *ried out under, or is associated with, the following:*

24 “(A) *Office of Management and Budget Circular*
 25 *A–76.*

26 “(B) *A strategic sourcing.*

1 “(C) *A base closure or realignment.*

2 “(D) *Any other reorganization, privatization, or*
3 *reengineering of an organization.*

4 “(b) *PERFORMANCE MEASUREMENTS.—The system for*
5 *monitoring the performance of a function shall provide for*
6 *the measurement of the costs and benefits resulting from the*
7 *selection of one workforce over the other workforce pursuant*
8 *to a workforce review, as follows:*

9 “(1) *The costs incurred.*

10 “(2) *The savings derived.*

11 “(3) *The value of the performance by the selected*
12 *workforce measured against the costs of the perform-*
13 *ance of that function by the workforce performing the*
14 *function as of the beginning of the workforce review,*
15 *as the workforce then performing the function was or-*
16 *ganized.*

17 “(c) *ANNUAL REPORT.—The Secretary shall submit to*
18 *Congress, not later than February 1 of each fiscal year, a*
19 *report on the measurable value of the performance during*
20 *the preceding fiscal year of the functions that have been sub-*
21 *jected to a workforce review, as determined under the moni-*
22 *toring system established under subsection (a). The report*
23 *shall display the findings separately for each of the armed*
24 *forces and for each Defense Agency.*

1 “(d) *CONSIDERATION IN PREPARATION OF FUTURE-*
 2 *YEARS DEFENSE PROGRAM.*—*In preparing the future-years*
 3 *defense program under section 221 of this title, the Sec-*
 4 *retary of Defense shall, for the fiscal years covered by the*
 5 *program, estimate and take into account the costs to be in-*
 6 *curred and the savings to be derived from the performance*
 7 *of functions by workforces selected in workforce reviews. The*
 8 *Secretary shall consider the results of the monitoring under*
 9 *this section in making the estimates.”.*

10 (2) *The table of sections at the beginning of such chap-*
 11 *ter, as amended by section 332(i)(2), is further amended*
 12 *by adding at the end the following:*

“2476. Public-private workforce selections: system for monitoring value.”.

13 (b) *CONTENT OF CONGRESSIONAL NOTIFICATION OF*
 14 *CONVERSIONS.*—*Paragraph (1) of section 2461(c) of title*
 15 *10, United States Code, is amended—*

16 (1) *by redesignating subparagraphs (C), (D),*
 17 *and (E) as subparagraphs (D), (F) and (G);*

18 (2) *by inserting after subparagraph (B), the fol-*
 19 *lowing new subparagraph (C):*

20 “(C) *The Secretary’s certification that the factors*
 21 *considered in the examinations performed under sub-*
 22 *section (b)(3), and in the making of the decision to*
 23 *change performance, did not include any predeter-*
 24 *mined personnel constraint or limitation in terms of*

1 *man years, end strength, full-time equivalent posi-*
 2 *tions, or maximum number of employees.”; and*

3 *(3) by inserting after subparagraph (D), as re-*
 4 *designated by paragraph (1), the following new sub-*
 5 *paragraph (E):*

6 *“(E) A statement of the potential economic effect*
 7 *of the change on each affected local community, as de-*
 8 *termined in the examination under subsection*
 9 *(b)(3)(B)(ii).”.*

10 **SEC. 367. SUSPENSION OF REORGANIZATION OF NAVAL**
 11 **AUDIT SERVICE.**

12 *The Secretary of the Navy shall cease any consolida-*
 13 *tions, involuntary transfers, buy-outs, or reductions in force*
 14 *of the workforce of auditors and administrative support*
 15 *personnel of the Naval Audit Service that are associated*
 16 *with the reorganization or relocation of the performance of*
 17 *the auditing functions of the Navy until 60 days after the*
 18 *date on which the Secretary submits to the congressional*
 19 *defense committees a report that sets forth in detail the*
 20 *Navy’s plans and justification for the reorganization or re-*
 21 *location, as the case may be.*

22 **SEC. 368. INVESTMENT OF COMMISSARY TRUST REVOLVING**
 23 **FUND.**

24 *Section 2486 of title 10, United States Code, is*
 25 *amended—*

1 (1) in subsection (g)(5), by striking “(5) In this
 2 subsection” and inserting “(i) COMMISSARY TRUST
 3 REVOLVING FUND DEFINED.—In this section”; and
 4 (2) by inserting after subsection (g)(4) the fol-
 5 lowing:

6 “(h) INVESTMENT OF COMMISSARY TRUST REVOLVING
 7 FUND.—The Secretary of Defense shall invest such portion
 8 of the commissary trust revolving fund as is not, in the
 9 judgment of the Secretary, required to meet current with-
 10 drawals. The investments shall be in public debt securities
 11 with maturities suitable to the needs of the fund, as deter-
 12 mined by the Secretary, and bearing interest at rates deter-
 13 mined by the Secretary of the Treasury, taking into consid-
 14 eration current market yields on outstanding marketable
 15 obligations of the United States of comparable maturities.
 16 The income derived from the investments shall be credited
 17 to and form a part of the fund.”.

18 **SEC. 369. ECONOMIC PROCUREMENT OF DISTILLED SPIR-**
 19 **ITS.**

20 Subsection 2488(c) of title 10, United States Code, is
 21 amended—

22 (1) by striking paragraph (2); and

23 (2) by redesignating paragraph (3) as para-
 24 graph (2).

1 **SEC. 370. RESALE OF ARMOR-PIERCING AMMUNITION DIS-**
 2 **POSED OF BY THE ARMY.**

3 (a) *RESTRICTION.*—(1) Chapter 443 of title 10, United
 4 States Code, is amended by adding at the end the following:

5 **“§ 4688. Armor-piercing ammunition and components:**
 6 **condition on disposal**

7 “(a) *LIMITATION ON RESALE OR OTHER TRANSFER.*—
 8 Except as provided in subsection (b), whenever the Sec-
 9 retary of the Army carries out a disposal (by sale or other-
 10 wise) of armor-piercing ammunition, or a component of
 11 armor-piercing ammunition, the Secretary shall require as
 12 a condition of the disposal that the recipient agree in writ-
 13 ing not to sell or otherwise transfer any of the ammunition
 14 (reconditioned or otherwise), or any armor-piercing compo-
 15 nent of that ammunition, to any purchaser in the United
 16 States other than a law enforcement or other governmental
 17 agency.

18 “(b) *EXCEPTION.*—Subsection (a) does not apply to a
 19 transfer of a component of armor-piercing ammunition
 20 solely for the purpose of metal reclamation by means of a
 21 destructive process such as melting, crushing, or shredding.

22 “(c) *SPECIAL RULE FOR NON-ARMOR-PIERCING COM-*
 23 *PONENTS.*—A component of the armor-piercing ammuni-
 24 tion that is not itself armor-piercing and is not subjected
 25 to metal reclamation as described in subsection (b) may not
 26 be used as a component in the production of new or re-

1 *manufactured armor-piercing ammunition other than for*
 2 *sale to a law enforcement or other governmental agency or*
 3 *for a government-to-government sale or commercial export*
 4 *to a foreign government under the Arms Export Control*
 5 *Act.*

6 “(d) *DEFINITION.*—*In this section, the term ‘armor-*
 7 *piercing ammunition’ means a center-fire cartridge the*
 8 *military designation of which includes the term ‘armor pen-*
 9 *etrator’ or ‘armor-piercing’, including a center-fire car-*
 10 *tridge designated as armor-piercing incendiary (API) or*
 11 *armor-piercing incendiary-tracer (API-T).’.*”

12 (2) *The table of sections at the beginning of such chap-*
 13 *ter is amended by adding at the end the following:*

“4688. Armor-piercing ammunition and components: condition on disposal.”.

14 (b) *APPLICABILITY.*—*Section 4688 of title 10, United*
 15 *States Code (as added by subsection (a)), shall apply with*
 16 *respect to any disposal of ammunition or components re-*
 17 *ferred to in that section after the date of the enactment of*
 18 *this Act.*

19 **SEC. 371. DAMAGE TO AVIATION FACILITIES CAUSED BY AL-**
 20 **KALI SILICA REACTIVITY.**

21 (a) *ASSESSMENT REQUIRED.*—*The Secretary of De-*
 22 *fense shall assess the damage caused to aviation facilities*
 23 *of the Department of Defense by alkali silica reactivity. In*
 24 *making the assessment, the Secretary shall review the de-*
 25 *partment’s aviation facilities throughout the world.*

1 (b) *DAMAGE PREVENTION AND MITIGATION PLAN.*—

2 (1) *Taking into consideration the assessment under sub-*
3 *section (a), the Secretary may develop and, during fiscal*
4 *years 2001 through 2006, carry out a plan to prevent and*
5 *mitigate damage to the aviation facilities of the Department*
6 *of Defense as a result of alkali silica reactivity.*

7 (2) *A plan developed under paragraph shall provide*
8 *for the following:*

9 (A) *Treatment of alkali silica reactivity in pave-*
10 *ment and structures at a selected test site.*

11 (B) *The demonstration and deployment of tech-*
12 *nologies capable of mitigating alkali silica reactivity*
13 *in hardened concrete structures and pavements.*

14 (C) *The promulgation of specific guidelines for*
15 *appropriate testing and use of lithium salts to pre-*
16 *vent alkali silica reactivity in new construction.*

17 (c) *DELEGATION OF AUTHORITY.*—*The Secretary shall*
18 *direct the Chief of Engineers of the Army and the Com-*
19 *mander of the Naval Facilities Engineering Command to*
20 *carry out the assessment required by subsection (a) and to*
21 *develop and carry out the plan required by subsection (b).*

22 (d) *FUNDING.*—*Of the amounts authorized to be ap-*
23 *propriated under section 301, not more than \$5,000,000 is*
24 *available for carrying out this section.*

1 **SEC. 372. REAUTHORIZATION OF PILOT PROGRAM FOR AC-**
 2 **CEPTANCE AND USE OF LANDING FEES**
 3 **CHARGED FOR USE OF DOMESTIC MILITARY**
 4 **AIRFIELDS BY CIVIL AIRCRAFT.**

5 (a) *REAUTHORIZATION.*—Subsection (a) of section 377
 6 of the *Strom Thurmond National Defense Authorization Act*
 7 for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1993;
 8 10 U.S.C. 113 note) is amended as follows:

9 (1) by striking “1999 and 2000” and inserting
 10 “2001 through 2010”; and

11 (2) by striking the second sentence and inserting
 12 “The pilot program under this section may not be
 13 carried out after September 30, 2010.”.

14 (b) *FEES COLLECTED.*—Subsection (b) of such section
 15 is amended to read as follows:

16 “(b) *LANDING FEE DEFINED.*—For the purposes of
 17 this section, the term ‘landing fee’ means any fee that is
 18 established under or in accordance with regulations of the
 19 military department concerned (whether prescribed in a fee
 20 schedule or imposed under a joint-use agreement) to recover
 21 costs incurred for use by civil aircraft of an airfield of the
 22 military department in the United States or in a territory
 23 or possession of the United States.”.

24 (c) *USE OF PROCEEDS.*—Subsection (c) of such section
 25 is amended by striking “Amounts received for a fiscal year
 26 in payment of landing fees imposed under the pilot pro-

1 gram for use of a military airfield” and inserting
 2 “Amounts received in payment of landing fees for use of
 3 a military airfield in a fiscal year of the pilot program”.

4 (d) *REPORT*.—Subsection (d) of such section is
 5 amended—

6 (1) by striking “March 31, 2000,” and inserting
 7 “March 31, 2003,”; and

8 (2) by striking “December 31, 1999” and insert-
 9 ing “December 31, 2002”.

10 **SEC. 373. REIMBURSEMENT BY CIVIL AIR CARRIERS FOR**
 11 **SUPPORT PROVIDED AT JOHNSTON ATOLL.**

12 (a) *IN GENERAL*.—Chapter 949 of title 10, United
 13 States Code, is amended by adding at the end the following:

14 **“§9783. Johnston Atoll: reimbursement for support**
 15 **provided to civil air carriers**

16 “(a) *AUTHORITY OF THE SECRETARY*.—The Secretary
 17 of the Air Force may, under regulations prescribed by the
 18 Secretary, require payment by a civil air carrier for sup-
 19 port provided by the United States to the carrier at John-
 20 ston Atoll that is either—

21 “(1) requested by the civil air carrier; or

22 “(2) determined under the regulations as being
 23 necessary to accommodate the civil air carrier’s use of
 24 Johnston Atoll.

1 “(b) *AMOUNT OF CHARGES.*—Any amount charged an
 2 air carrier under subsection (a) for support shall be equal
 3 to the total amount of the actual costs to the United States
 4 of providing the support. The amount charged may not in-
 5 clude any amount for an item of support that does not sat-
 6 isfy a condition described in paragraph (1) or (2) of sub-
 7 section (a).

8 “(c) *RELATIONSHIP TO LANDING FEES.*—No landing
 9 fee shall be charged an air carrier for a landing of an air-
 10 craft of the air carrier at Johnston Atoll if the air carrier
 11 is charged under subsection (a) for support provided to the
 12 air carrier.

13 “(d) *DISPOSITION OF PAYMENTS.*—(1) Notwith-
 14 standing any other provision of law, amounts collected from
 15 an air carrier under this section shall be credited to appro-
 16 priations available for the fiscal year in which collected,
 17 as follows:

18 “(A) For support provided by the Air Force, to
 19 appropriations available for the Air Force for oper-
 20 ation and maintenance.

21 “(B) For support provided by the Army, to ap-
 22 propriations available for the Army for chemical de-
 23 militarization.

24 “(2) Amounts credited to an appropriation under
 25 paragraph (1) shall be merged with funds in that appro-

1 priation and shall be available, without further appropria-
 2 tion, for the purposes and period for which the appropria-
 3 tion is available.

4 “(e) *DEFINITIONS.*—*In this section:*

5 “(1) *The term ‘civil air carrier’ means an air*
 6 *carrier (as defined in section 40101(a)(2) of title 49)*
 7 *that is issued a certificate of public convenience and*
 8 *necessity under section 41102 of such title.*

9 “(2) *The term ‘support’ includes fuel, fire rescue,*
 10 *use of facilities, improvements necessary to accommo-*
 11 *date use by civil air carriers, police, safety, housing,*
 12 *food, air traffic control, suspension of military oper-*
 13 *ations on the island (including operations at the*
 14 *Johnston Atoll Chemical Agent Demilitarization Sys-*
 15 *tem), repairs, and any other construction, services, or*
 16 *supplies.”.*

17 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 18 *the beginning of such chapter is amended by adding at the*
 19 *end the following new item:*

“9783. *Johnston Atoll: reimbursement for support provided to civil air carriers.*”.

20 **SEC. 374. REVIEW OF COSTS OF MAINTAINING HISTORICAL**
 21 **PROPERTIES.**

22 (a) *REQUIREMENT FOR REVIEW.*—*The Comptroller*
 23 *General of the United States shall conduct a review of the*
 24 *annual costs incurred by the Department of Defense to com-*

1 *ply with the requirements of the National Historic Preser-*
2 *vation Act (16 U.S.C. 470 et seq.).*

3 *(b) REPORT.—Not later than February 28, 2001, the*
4 *Comptroller General shall submit to the congressional de-*
5 *fense committees a report on the results of the review. The*
6 *report shall contain the following:*

7 *(1) For each military department and Defense*
8 *Agency and for the Department of Defense in the ag-*
9 *gregate, the cost for fiscal year 2000 and the projected*
10 *costs for the ensuing 10 fiscal years.*

11 *(2) An analysis of the cost to maintain only*
12 *those properties that qualified as historic properties*
13 *under the National Historic Preservation Act when*
14 *such Act was originally enacted.*

15 *(3) The accounts used for paying the costs of*
16 *complying with the requirements of the National His-*
17 *toric Preservation Act.*

18 *(4) For each military department and Defense*
19 *Agency, the identity of all properties that must be*
20 *maintained in order to comply with the requirements*
21 *of the National Historic Preservation Act.*

1 **SEC. 375. EXTENSION OF AUTHORITY TO SELL CERTAIN**
 2 **AIRCRAFT FOR USE IN WILDFIRE SUPPRES-**
 3 **SION.**

4 *Section 2 of the Wildfire Suppression Aircraft Trans-*
 5 *fer Act of 1996 (Public Law 104–307) is amended—*

6 *(1) in subsection (a)(1) by striking “September*
 7 *30, 2000” and inserting “September 30, 2005”;*

8 *(2) by adding at the end of subsection (d)(1) the*
 9 *following: “After taking effect, the regulations shall be*
 10 *effective until the end of the period specified in sub-*
 11 *section (a)(1).”;*

12 *(3) in subsection (f), by striking “March 31,*
 13 *2000” and inserting “March 31, 2005”.*

14 **SEC. 376. OVERSEAS AIRLIFT SERVICE ON CIVIL RESERVE**
 15 **AIR FLEET AIRCRAFT.**

16 *(a) IN GENERAL.—Section 41106(a) of title 49, United*
 17 *States Code, is amended—*

18 *(1) by striking “GENERAL.—(1) Except as pro-*
 19 *vided in subsection (b),” and inserting “INTERSTATE*
 20 *TRANSPORTATION.—(1) Except as provided in sub-*
 21 *section (d),”;*

22 *(2) in paragraph (1), by striking “of at least 31*
 23 *days”;*

24 *(3) by redesignating subsection (b) as subsection*
 25 *(d); and*

1 (4) *by inserting after subsection (a) the fol-*
 2 *lowing:*

3 “(b) *TRANSPORTATION BETWEEN THE UNITED*
 4 *STATES AND FOREIGN LOCATIONS.—Except as provided in*
 5 *subsection (d), the transportation of passengers or property*
 6 *by transport category aircraft between a place in the United*
 7 *States and a place outside the United States obtained by*
 8 *the Secretary of Defense or the Secretary of a military de-*
 9 *partment through a contract for airlift service may be pro-*
 10 *vided by an air carrier referred to in subsection (a).*

11 “(c) *TRANSPORTATION BETWEEN FOREIGN LOCA-*
 12 *TIONS.—The transportation of passengers or property by*
 13 *transport category aircraft between two places outside the*
 14 *United States obtained by the Secretary of Defense or the*
 15 *Secretary of a military department through a contract for*
 16 *airlift service shall be provided by an air carrier that has*
 17 *aircraft in the civil reserve air fleet whenever transpor-*
 18 *tation by such an air carrier is reasonably available.”.*

19 (b) *EFFECTIVE DATE.—The amendments made by this*
 20 *section shall take effect on October 1, 2000.*

21 **SEC. 377. DEFENSE TRAVEL SYSTEM.**

22 (a) *REQUIREMENT FOR REPORT.—Not later than No-*
 23 *vember 30, 2000, the Secretary of Defense shall submit to*
 24 *the congressional defense committees a report on the Defense*
 25 *Travel System.*

1 (b) *CONTENT OF REPORT.*—*The report shall include*
2 *the following:*

3 (1) *A detailed discussion of the development, test-*
4 *ing, and fielding of the system, including the perform-*
5 *ance requirements, the evaluation criteria, the fund-*
6 *ing that has been provided for the development, test-*
7 *ing, and fielding of the system, and the funding that*
8 *is projected to be required for completing the develop-*
9 *ment, testing, and fielding of the system.*

10 (2) *The schedule that has been followed for the*
11 *testing of the system, including the initial operational*
12 *test and evaluation and the final operational testing*
13 *and evaluation, together with the results of the test-*
14 *ing.*

15 (3) *The cost savings expected to result from the*
16 *deployment of the system and from the completed im-*
17 *plementation of the system, together with a discussion*
18 *of how the savings are estimated and the expected*
19 *schedule for the realization of the savings.*

20 (4) *An analysis of the costs and benefits of field-*
21 *ing the front-end software for the system throughout*
22 *all 18 geographical areas selected for the original*
23 *fielding of the system.*

24 (c) *LIMITATIONS.*—(1) *Not more than 25 percent of the*
25 *amount authorized to be appropriated under section 301(5)*

1 *for the Defense Travel System may be obligated or expended*
2 *before the date on which the Secretary submits the report*
3 *required under subsection (a).*

4 (2) *Funds appropriated for the Defense Travel System*
5 *pursuant to the authorization of appropriations referred to*
6 *in paragraph (1) may not be used for a purpose other than*
7 *the Defense Travel System unless the Secretary first submits*
8 *to Congress a written notification of the intended use and*
9 *the amount to be so used.*

10 **SEC. 378. REVIEW OF AH-64 AIRCRAFT PROGRAM.**

11 (a) *REQUIREMENT FOR REVIEW.*—*The Comptroller*
12 *General shall conduct a review of the Army's AH-64 air-*
13 *craft program to determine the following:*

14 (1) *Whether any of the following conditions exist*
15 *under the program:*

16 (A) *Obsolete spare parts, rather than spare*
17 *parts for the latest aircraft configuration, are*
18 *being procured.*

19 (B) *There is insufficient sustaining system*
20 *technical support.*

21 (C) *The technical data packages and manu-*
22 *als are obsolete.*

23 (D) *There are unfunded requirements for*
24 *airframe and component upgrades.*

1 (2) *Whether the readiness of the aircraft is im-*
 2 *paired by conditions described in paragraph (1) that*
 3 *are determined to exist.*

4 (b) *REPORT.—Not later than March 1, 2001, the*
 5 *Comptroller General shall submit to the congressional de-*
 6 *fense committees a report on the results of the review under*
 7 *subsection (a).*

8 **SEC. 379. ASSISTANCE FOR MAINTENANCE, REPAIR, AND**
 9 **RENOVATION OF SCHOOL FACILITIES THAT**
 10 **SERVE DEPENDENTS OF MEMBERS OF THE**
 11 **ARMED FORCES AND DEPARTMENT OF DE-**
 12 **FENSE CIVILIAN EMPLOYEES.**

13 (a) *GRANTS AUTHORIZED.—Chapter 111 of title 10,*
 14 *United States Code, is amended—*

15 (1) *by redesignating section 2199 as section*
 16 *2199a; and*

17 (2) *by inserting after section 2198 the following*
 18 *new section:*

19 **“§2199. Quality of life education facilities grants**

20 **“(a) REPAIR AND RENOVATION ASSISTANCE.—(1) The**
 21 *Secretary of Defense may make a grant to an eligible local*
 22 *educational agency to assist the agency to repair and*
 23 *renovate—*

1 “(A) an impacted school facility that is used by
2 significant numbers of military dependent students;
3 or

4 “(B) a school facility that was a former Depart-
5 ment of Defense domestic dependent elementary or
6 secondary school.

7 “(2) Authorized repair and renovation projects may
8 include repairs and improvements to an impacted school
9 facility (including the grounds of the facility) designed to
10 ensure compliance with the requirements of the Americans
11 with Disabilities Act or local health and safety ordinances,
12 to meet classroom size requirements, or to accommodate
13 school population increases.

14 “(3) The total amount of assistance provided under
15 this subsection to an eligible local educational agency may
16 not exceed \$5,000,000 during any period of two fiscal years.

17 “(b) MAINTENANCE ASSISTANCE.—(1) The Secretary
18 of Defense may make a grant to an eligible local educational
19 agency whose boundaries are the same as a military instal-
20 lation to assist the agency to maintain an impacted school
21 facility, including the grounds of such a facility.

22 “(2) The total amount of assistance provided under
23 this subsection to an eligible local educational agency may
24 not exceed \$250,000 during any fiscal year.

1 “(c) *DETERMINATION OF ELIGIBLE LOCAL EDU-*
2 *CATIONAL AGENCIES.*—(1) *A local educational agency is an*
3 *eligible local educational agency under this section only if*
4 *the Secretary of Defense determines that the local edu-*
5 *cational agency has—*

6 “(A) *one or more federally impacted school fa-*
7 *cilities and satisfies at least one of the additional eli-*
8 *gibility requirements specified in paragraph (2); or*

9 “(B) *a school facility that was a former Depart-*
10 *ment of Defense domestic dependent elementary or*
11 *secondary school, but assistance provided under this*
12 *subparagraph may only be used to repair and ren-*
13 *ovate that facility.*

14 “(2) *The additional eligibility requirements referred to*
15 *in paragraph (1) are the following:*

16 “(A) *The local educational agency is eligible to*
17 *receive assistance under subsection (f) of section 8003*
18 *of the Elementary and Secondary Education Act of*
19 *1965 (20 U.S.C. 7703) and at least 10 percent of the*
20 *students who were in average daily attendance in the*
21 *schools of such agency during the preceding school*
22 *year were students described under paragraph (1)(A)*
23 *or (1)(B) of section 8003(a) of the Elementary and*
24 *Secondary Education Act of 1965.*

1 “(B) *At least 35 percent of the students who were*
2 *in average daily attendance in the schools of the local*
3 *educational agency during the preceding school year*
4 *were students described under paragraph (1)(A) or*
5 *(1)(B) of section 8003(a) of the Elementary and Sec-*
6 *ondary Education Act of 1965.*

7 “(C) *The State education system and the local*
8 *educational agency are one and the same.*

9 “(d) *NOTIFICATION OF ELIGIBILITY.—Not later than*
10 *June 30 of each fiscal year, the Secretary of Defense shall*
11 *notify each local educational agency identified under sub-*
12 *section (c) that the local educational agency is eligible dur-*
13 *ing that fiscal year to apply for a grant under subsection*
14 *(a), subsection (b), or both subsections.*

15 “(e) *RELATION TO IMPACT AID CONSTRUCTION AS-*
16 *SISTANCE.—A local education agency that receives a grant*
17 *under subsection (a) to repair and renovate a school facility*
18 *may not also receive a payment for school construction*
19 *under section 8007 of the Elementary and Secondary Edu-*
20 *cation Act of 1965 (20 U.S.C. 7707) for the same fiscal*
21 *year.*

22 “(f) *GRANT CONSIDERATIONS.—In determining which*
23 *eligible local educational agencies will receive a grant under*
24 *this section for a fiscal year, the Secretary of Defense shall*
25 *take into consideration the following conditions and needs*

1 *at impacted school facilities of eligible local educational*
2 *agencies:*

3 “(1) *The repair or renovation of facilities is*
4 *needed to meet State mandated class size require-*
5 *ments, including student-teacher ratios and instruc-*
6 *tional space size requirements.*

7 “(2) *There is a increase in the number of mili-*
8 *tary dependent students in facilities of the agency due*
9 *to increases in unit strength as part of military read-*
10 *iness.*

11 “(3) *There are unhoused students on a military*
12 *installation due to other strength adjustments at mili-*
13 *tary installations.*

14 “(4) *The repair or renovation of facilities is*
15 *needed to address any of the following conditions:*

16 “(A) *The condition of the facility poses a*
17 *threat to the safety and well-being of students.*

18 “(B) *The requirements of the Americans*
19 *with Disabilities Act.*

20 “(C) *The cost associated with asbestos re-*
21 *moval, energy conservation, or technology up-*
22 *grades.*

23 “(D) *Overcrowding conditions as evidenced*
24 *by the use of trailers and portable buildings and*

1 *the potential for future overcrowding because of*
2 *increased enrollment.*

3 “(5) *The repair or renovation of facilities is*
4 *needed to meet any other Federal or State mandate.*

5 “(6) *The number of military dependent students*
6 *as a percentage of the total student population in the*
7 *particular school facility.*

8 “(7) *The age of facility to be repaired or ren-*
9 *ovated.*

10 “(g) *DEFINITIONS.—In this section:*

11 “(1) *LOCAL EDUCATIONAL AGENCY.—The term*
12 *‘local educational agency’ has the meaning given that*
13 *term in section 8013(9) of the Elementary and Sec-*
14 *ondary Education Act of 1965 (20 U.S.C. 7713(9)).*

15 “(2) *IMPACTED SCHOOL FACILITY.—The term*
16 *‘impacted school facility’ means a facility of a local*
17 *educational agency—*

18 “(A) *that is used to provide elementary or*
19 *secondary education at or near a military in-*
20 *stallation; and*

21 “(B) *at which the average annual enroll-*
22 *ment of military dependent students is a high*
23 *percentage of the total student enrollment at the*
24 *facility, as determined by the Secretary of De-*
25 *fense.*

1 “(3) *MILITARY DEPENDENT STUDENTS.*—*The*
 2 *term ‘military dependent students’ means students*
 3 *who are dependents of members of the armed forces or*
 4 *Department of Defense civilian employees.*

5 “(4) *MILITARY INSTALLATION.*—*The term ‘mili-*
 6 *tary installation’ has the meaning given that term in*
 7 *section 2687(e) of this title.”.*

8 (b) *AMENDMENTS TO CHAPTER HEADING AND TABLES*
 9 *OF CONTENTS.*—(1) *The heading of chapter 111 of title 10,*
 10 *United States Code, is amended to read as follows:*

11 **“CHAPTER 111—SUPPORT OF**
 12 **EDUCATION”.**

13 (2) *The table of sections at the beginning of such chap-*
 14 *ter is amended by striking the item relating to section 2199*
 15 *and inserting the following new items:*

 “2199. *Quality of life education facilities grants.*
 “2199a. *Definitions.”.*

16 (3) *The tables of chapters at the beginning of subtitle*
 17 *A, and at the beginning of part III of subtitle A, of such*
 18 *title are amended by striking the item relating to chapter*
 19 *111 and inserting the following:*

“111. Support of Education 2191”.

20 (c) *FUNDING FOR FISCAL YEAR 2001.*—*Amounts ap-*
 21 *propriated in the Department of Defense Appropriations*
 22 *Act, 2001, under the heading “QUALITY OF LIFE ENHANCE-*
 23 *MENTS, DEFENSE” may be used by the Secretary of Defense*

1 *to make grants under section 2199 of title 10, United States*
2 *Code, as added by subsection (a).*

3 **SEC. 380. POSTPONEMENT OF IMPLEMENTATION OF DE-**
4 **FENSE JOINT ACCOUNTING SYSTEM (DJAS)**
5 **PENDING ANALYSIS OF THE SYSTEM.**

6 *(a) POSTPONEMENT.—The Secretary of Defense may*
7 *not grant a Milestone III decision for the Defense Joint Ac-*
8 *counting System (DJAS) until the Secretary—*

9 *(1) conducts, with the participation of the In-*
10 *specter General of the Department of Defense and the*
11 *inspectors general of the military departments, an*
12 *analysis of alternatives to the system to determine*
13 *whether the system warrants deployment; and*

14 *(2) if the Secretary determines that the system*
15 *warrants deployment, submits to the congressional de-*
16 *fense committees a report certifying that the system*
17 *meets Milestone I and Milestone II requirements and*
18 *applicable requirements of the Clinger-Cohen Act of*
19 *1996 (divisions D and E of Public Law 104–106).*

20 *(b) DEADLINE FOR REPORT.—The report referred to*
21 *in subsection (a)(2) shall be submitted, if at all, not later*
22 *than March 30, 2001.*

1 ***TITLE IV—MILITARY PERSONNEL***
2 ***AUTHORIZATIONS***

3 ***Subtitle A—Active Forces***

4 ***SEC. 401. END STRENGTHS FOR ACTIVE FORCES.***

5 *The Armed Forces are authorized strengths for active*
6 *duty personnel as of September 30, 2001, as follows:*

7 *(1) The Army, 480,000.*

8 *(2) The Navy, 372,000.*

9 *(3) The Marine Corps, 172,600.*

10 *(4) The Air Force, 357,000.*

11 ***Subtitle B—Reserve Forces***

12 ***SEC. 411. END STRENGTHS FOR SELECTED RESERVE.***

13 *(a) IN GENERAL.—The Armed Forces are authorized*
14 *strengths for Selected Reserve personnel of the reserve com-*
15 *ponents as of September 30, 2001, as follows:*

16 *(1) The Army National Guard of the United*
17 *States, 350,088.*

18 *(2) The Army Reserve, 205,000.*

19 *(3) The Naval Reserve, 88,900.*

20 *(4) The Marine Corps Reserve, 39,558.*

21 *(5) The Air National Guard of the United*
22 *States, 108,022.*

23 *(6) The Air Force Reserve, 74,300.*

24 *(7) The Coast Guard Reserve, 8,500.*

1 (b) *ADJUSTMENTS.*—*The end strengths prescribed by*
 2 *subsection (a) for the Selected Reserve of any reserve compo-*
 3 *nent shall be proportionately reduced by—*

4 (1) *the total authorized strength of units orga-*
 5 *nized to serve as units of the Selected Reserve of such*
 6 *component which are on active duty (other than for*
 7 *training) at the end of the fiscal year; and*

8 (2) *the total number of individual members not*
 9 *in units organized to serve as units of the Selected*
 10 *Reserve of such component who are on active duty*
 11 *(other than for training or for unsatisfactory partici-*
 12 *pation in training) without their consent at the end*
 13 *of the fiscal year.*

14 *Whenever such units or such individual members are re-*
 15 *leased from active duty during any fiscal year, the end*
 16 *strength prescribed for such fiscal year for the Selected Re-*
 17 *serve of such reserve component shall be proportionately in-*
 18 *creased by the total authorized strengths of such units and*
 19 *by the total number of such individual members.*

20 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
 21 **DUTY IN SUPPORT OF THE RESERVES.**

22 *Within the end strengths prescribed in section 411(a),*
 23 *the reserve components of the Armed Forces are authorized,*
 24 *as of September 30, 2001, the following number of Reserves*
 25 *to be serving on full-time active duty or full-time duty, in*

1 *the case of members of the National Guard, for the purpose*
2 *of organizing, administering, recruiting, instructing, or*
3 *training the reserve components:*

4 (1) *The Army National Guard of the United*
5 *States, 22,974.*

6 (2) *The Army Reserve, 12,806.*

7 (3) *The Naval Reserve, 14,649.*

8 (4) *The Marine Corps Reserve, 2,261.*

9 (5) *The Air National Guard of the United*
10 *States, 11,170.*

11 (6) *The Air Force Reserve, 1,278.*

12 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
13 **(DUAL STATUS).**

14 *The minimum number of military technicians (dual*
15 *status) as of the last day of fiscal year 2001 for the reserve*
16 *components of the Army and the Air Force (notwith-*
17 *standing section 129 of title 10, United States Code) shall*
18 *be the following:*

19 (1) *For the Army Reserve, 5,249.*

20 (2) *For the Army National Guard of the United*
21 *States, 24,728.*

22 (3) *For the Air Force Reserve, 9,733.*

23 (4) *For the Air National Guard of the United*
24 *States, 22,221.*

1 **SEC. 414. FISCAL YEAR 2001 LIMITATION ON NON-DUAL STA-**
 2 **TUS TECHNICIANS.**

3 (a) *LIMITATION.*—*The number of non-dual status tech-*
 4 *nicians employed by the reserve components of the Army*
 5 *and the Air Force as of September 30, 2001, may not exceed*
 6 *the following:*

7 (1) *For the Army Reserve, 1,195.*

8 (2) *For the Army National Guard of the United*
 9 *States, 1,600.*

10 (3) *For the Air Force Reserve, 0.*

11 (4) *For the Air National Guard of the United*
 12 *States, 326.*

13 (b) *NON-DUAL STATUS TECHNICIANS DEFINED.*—*In*
 14 *this section, the term “non-dual status technician” has the*
 15 *meaning given the term in section 10217(a) of title 10,*
 16 *United States Code.*

17 (c) *POSTPONEMENT OF PERMANENT LIMITATION.*—
 18 *Section 10217(c)(2) of title 10, United States Code, is*
 19 *amended by striking “October 1, 2001” and inserting “Oc-*
 20 *tober 1, 2002”.*

21 **SEC. 415. INCREASE IN NUMBERS OF MEMBERS IN CER-**
 22 **TAIN GRADES AUTHORIZED TO BE ON ACTIVE**
 23 **DUTY IN SUPPORT OF THE RESERVES.**

24 (a) *OFFICERS.*—*The table in section 12011(a) of title*
 25 *10, United States Code, is amended to read as follows:*

<i>“Grade</i>	<i>Army</i>	<i>Navy</i>	<i>Air Force</i>	<i>Marine Corps</i>
<i>Major or Lieutenant Commander</i>	<i>3,227</i>	<i>1,071</i>	<i>898</i>	<i>140</i>
<i>Lieutenant Colonel or Commander</i>	<i>1,687</i>	<i>520</i>	<i>844</i>	<i>90</i>
<i>Colonel or Navy Captain</i>	<i>511</i>	<i>188</i>	<i>317</i>	<i>30”.</i>

1 *(b) SENIOR ENLISTED MEMBERS.—The table in sec-*
2 *tion 12012(a) of title 10, United States Code, is amended*
3 *to read as follows:*

<i>“Grade</i>	<i>Army</i>	<i>Navy</i>	<i>Air Force</i>	<i>Marine Corps</i>
<i>E-9</i>	<i>662</i>	<i>202</i>	<i>501</i>	<i>20</i>
<i>E-8</i>	<i>2,676</i>	<i>429</i>	<i>1,102</i>	<i>94”.</i>

4 ***Subtitle C—Other Matters Relating***
5 ***to Personnel Strengths***

6 ***SEC. 421. SUSPENSION OF STRENGTH LIMITATIONS DUR-***
7 ***ING WAR OR NATIONAL EMERGENCY.***

8 *(a) SENIOR ENLISTED MEMBERS.—Section 517 of title*
9 *10, United States Code, is amended by adding at the end*
10 *the following new subsection (c):*

11 *“(c) The Secretary of Defense may suspend the oper-*
12 *ation of this section in time of war or of national emergency*
13 *declared by the Congress or by the President. Any suspen-*
14 *sion shall, if not sooner ended, end on the last day of the*
15 *2-year period beginning on the date on which the suspen-*
16 *sion (or the last extension thereof) takes effect or on the last*
17 *day of the 1-year period beginning on the date of the termi-*
18 *nation of the war or national emergency, whichever occurs*
19 *first. Title II of the National Emergencies Act (50 U.S.C.*

1 1621–1622) shall not apply to an extension under this sub-
 2 section.”.

3 (b) *SENIOR AGR PERSONNEL*.—(1) Chapter 1201 of
 4 such title is amended by adding at the end the following:
 5 **“§ 12013. Authority to suspend sections 12011 and**
 6 **12012**

7 “The Secretary of Defense may suspend the operation
 8 of section 12011 or 12012 of this title in time of war or
 9 of national emergency declared by the Congress or by the
 10 President. Any suspension shall, if not sooner ended, end
 11 on the last day of the 2-year period beginning on the date
 12 on which the suspension (or the last extension thereof) takes
 13 effect or on the last day of the 1-year period beginning on
 14 the date of the termination of the war or national emer-
 15 gency, whichever occurs first. Title II of the National Emer-
 16 gencies Act (50 U.S.C. 1621–1622) shall not apply to an
 17 extension under this subsection.”.

18 (2) The table of sections at the beginning of such chap-
 19 ter is amended by adding at the end the following:

“12013. Authority to suspend sections 12011 and 12012.”.

20 **SEC. 422. EXCLUSION OF CERTAIN RESERVE COMPONENT**
 21 **MEMBERS ON ACTIVE DUTY FOR MORE THAN**
 22 **180 DAYS FROM ACTIVE COMPONENT END**
 23 **STRENGTHS.**

24 Section 115(d) of title 10, United States Code, is
 25 amended by adding at the end the following new paragraph:

1 “(9) *Members of reserve components (not de-*
 2 *scribed in paragraph (8)) on active duty for more*
 3 *than 180 days to perform special work in support of*
 4 *the armed forces (other than in support of the Coast*
 5 *Guard) and the combatant commands, except that the*
 6 *number of the members excluded under this para-*
 7 *graph may not exceed the number equal to two-tenths*
 8 *of one percent of the end strength authorized for ac-*
 9 *tive-duty personnel under subsection (a)(1)(A).”.*

10 **SEC. 423. EXCLUSION OF ARMY AND AIR FORCE MEDICAL**
 11 **AND DENTAL OFFICERS FROM LIMITATION**
 12 **ON STRENGTHS OF RESERVE COMMISSIONED**
 13 **OFFICERS IN GRADES BELOW BRIGADIER**
 14 **GENERAL.**

15 *Section 12005(a) of title 10, United States Code, is*
 16 *amended by adding at the end the following:*

17 “(3) *Medical officers and dental officers shall not be*
 18 *counted for the purposes of this subsection.”.*

19 **SEC. 424. AUTHORITY FOR TEMPORARY INCREASES IN NUM-**
 20 **BER OF RESERVE PERSONNEL SERVING ON**
 21 **ACTIVE DUTY OR FULL-TIME NATIONAL**
 22 **GUARD DUTY IN CERTAIN GRADES.**

23 *(a) OFFICERS.—Section 12011 of title 10, United*
 24 *States Code, is amended by adding at the end the following*
 25 *new subsection:*

1 “(c) Upon increasing under subsection (c)(2) of section
 2 115 of this title the end strength that is authorized under
 3 subsection (a)(1)(B) of that section for a fiscal year for ac-
 4 tive-duty personnel and full-time National Guard duty per-
 5 sonnel of an armed force who are to be paid from funds
 6 appropriated for reserve personnel, the Secretary of Defense
 7 may increase for that fiscal year the limitation that is set
 8 forth in subsection (a) of this section for the number of offi-
 9 cers of that armed force serving in any grade if the Sec-
 10 retary determines that such action is in the national inter-
 11 est. The percent of the increase may not exceed the percent
 12 by which the Secretary increases that end strength.”.

13 (b) *ENLISTED PERSONNEL*.—Section 12012 of title 10,
 14 United States Code, is amended by adding at the end the
 15 following new subsection:

16 “(c) Upon increasing under subsection (c)(2) of section
 17 115 of this title the end strength that is authorized under
 18 subsection (a)(1)(B) of that section for a fiscal year for ac-
 19 tive-duty personnel and full-time National Guard duty per-
 20 sonnel of an armed force who are to be paid from funds
 21 appropriated for reserve personnel, the Secretary of Defense
 22 may increase for that fiscal year the limitation that is set
 23 forth in subsection (a) of this section for the number of en-
 24 listed members of that armed force serving in any grade
 25 if the Secretary determines that such action is in the na-

1 *tional interest. The percent of the increase may not exceed*
 2 *the percent by which the Secretary increases that end*
 3 *strength.”.*

4 **SEC. 425. TEMPORARY EXEMPTION OF DIRECTOR OF THE**
 5 **NATIONAL SECURITY AGENCY FROM LIMITA-**
 6 **TIONS ON NUMBER OF AIR FORCE OFFICERS**
 7 **ABOVE MAJOR GENERAL.**

8 *Section 525(b) of title 10, United States Code, is*
 9 *amended by adding at the end the following new paragraph:*

10 *“(8) An Air Force officer while serving as Director of*
 11 *the National Security Agency is in addition to the number*
 12 *that would otherwise be permitted for the Air Force for offi-*
 13 *cers serving on active duty in grades above major general*
 14 *under paragraph (1) and the number that would otherwise*
 15 *be permitted for the Air Force for officers serving on active*
 16 *duty in grades above brigadier general under subsection (a).*
 17 *This paragraph shall not be effective after September 30,*
 18 *2005.”.*

19 ***Subtitle D—Authorization of***
 20 ***Appropriations***

21 **SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**
 22 **TARY PERSONNEL.**

23 *There is hereby authorized to be appropriated to the*
 24 *Department of Defense for military personnel for fiscal year*
 25 *2001 a total of \$75,632,266,000. The authorization in the*

1 *preceding sentence supersedes any other authorization of*
 2 *appropriations (definite or indefinite) for such purpose for*
 3 *fiscal year 2001.*

4 ***TITLE V—MILITARY PERSONNEL***
 5 ***POLICY***

6 ***Subtitle A—Officer Personnel Policy***

7 ***SEC. 501. ELIGIBILITY OF ARMY RESERVE COLONELS AND***
 8 ***BRIGADIER GENERALS FOR POSITION VA-***
 9 ***CANCY PROMOTIONS.***

10 *Section 14315(b)(1) of title 10, United States Code, is*
 11 *amended by inserting after “(A) is assigned to the duties*
 12 *of a general officer of the next higher reserve grade in the*
 13 *Army Reserve” the following: “or is recommended for such*
 14 *an assignment under regulations prescribed by the Sec-*
 15 *retary of the Army”.*

16 ***SEC. 502. PROMOTION ZONES FOR COAST GUARD RESERVE***
 17 ***OFFICERS.***

18 *(a) FLEXIBLE AUTHORITY TO MEET COAST GUARD*
 19 *NEEDS.—Section 729(d) of title 14, United States Code, is*
 20 *amended to read as follows:*

21 *“(d)(1) Before convening a selection board to rec-*
 22 *ommend Reserve officers for promotion, the Secretary shall*
 23 *establish a promotion zone for officers serving in each grade*
 24 *and competitive category to be considered by the board. The*
 25 *Secretary shall determine the number of officers in the pro-*

1 motion zone for officers serving in any grade and competi-
2 tive category from among officers who are eligible for pro-
3 motion in that grade and competitive category.

4 “(2) Before convening a selection board to recommend
5 Reserve officers for promotion to a grade above lieutenant
6 (junior grade), the Secretary shall determine the maximum
7 number of officers in that grade and competitive category
8 that the board may recommend for promotion. The Sec-
9 retary shall make the determination under the preceding
10 sentence of the maximum number that may be recommended
11 with a view to having in an active status a sufficient num-
12 ber of Reserve officers in each grade and competitive cat-
13 egory to meet the needs of the Coast Guard for Reserve offi-
14 cers in an active status. In order to make that determina-
15 tion, the Secretary shall determine (A) the number of posi-
16 tions needed to accomplish mission objectives which require
17 officers of such competitive category in the grade to which
18 the board will recommend officers for promotion, (B) the
19 estimated number of officers needed to fill vacancies in such
20 positions during the period in which it is anticipated that
21 officers selected for promotion will be promoted, (C) the
22 number of officers authorized by the Secretary to serve in
23 an active status in the grade and competitive category
24 under consideration, and (D) any statutory limitation on

1 *the number of officers in any grade or category (or com-*
2 *bination thereof) authorized to be in an active status.*

3 “(3)(A) *The Secretary may, when the needs of the*
4 *Coast Guard require, authorize the consideration of officers*
5 *in a grade above lieutenant (junior grade) for promotion*
6 *to the next higher grade from below the promotion zone.*

7 “(B) *When selection from below the promotion zone is*
8 *authorized, the Secretary shall establish the number of offi-*
9 *cers that may be recommended for promotion from below*
10 *the promotion zone in each competitive category to be con-*
11 *sidered. That number may not exceed the number equal to*
12 *10 percent of the maximum number of officers that the*
13 *board is authorized to recommend for promotion in such*
14 *competitive category, except that the Secretary may author-*
15 *ize a greater number, not to exceed 15 percent of the total*
16 *number of officers that the board is authorized to rec-*
17 *ommend for promotion, if the Secretary determines that the*
18 *needs of the Coast Guard so require. If the maximum num-*
19 *ber determined under this paragraph is less than one, the*
20 *board may recommend one officer for promotion from below*
21 *the promotion zone.*

22 “(C) *The number of officers recommended for pro-*
23 *motion from below the promotion zone does not increase the*
24 *maximum number of officers that the board is authorized*
25 *to recommend for promotion under paragraph (2).”.*

1 (b) *RUNNING MATE SYSTEM*.—(1) *Section 731 of such*
 2 *title is amended—*

3 (A) *by designating the text of such section as*
 4 *subsection (b);*

5 (B) *by inserting after the section heading the fol-*
 6 *lowing:*

7 “(a) *AUTHORITY TO USE RUNNING MATE SYSTEM*.—
 8 *The Secretary may by regulation implement section*
 9 *729(d)(1) of this title by requiring that the promotion zone*
 10 *for consideration of Reserve officers in an active status for*
 11 *promotion to the next higher grade be determined in accord-*
 12 *ance with a running mate system as provided in subsection*
 13 *(b).”;*

14 (C) *in subsection (b), as designated by subpara-*
 15 *graph (A), by striking “Subject to the eligibility re-*
 16 *quirements of this subchapter, a Reserve officer shall”*
 17 *and inserting the following: “CONSIDERATION FOR*
 18 *PROMOTION.—If promotion zones are determined as*
 19 *authorized under subsection (a), a Reserve officer*
 20 *shall, subject to the eligibility requirements of this*
 21 *subchapter,”; and*

22 (D) *by adding at the end the following:*

23 “(c) *CONSIDERATION OF OFFICERS BELOW THE*
 24 *ZONE.—If the Secretary authorizes the selection of officers*
 25 *for promotion from below the promotion zone in accordance*

1 *with section 729(d)(3) of this title, the number of officers*
 2 *to be considered from below the zone may be established*
 3 *through the application of the running mate system under*
 4 *this subchapter or otherwise as the Secretary determines to*
 5 *be appropriate to meet the needs of the Coast Guard.”.*

6 (2)(A) *The heading for such section is amended to read*
 7 *as follows:*

8 **“§ 731. Establishment of promotion zones: running**
 9 **mate system”.**

10 (B) *The item relating to such section in the table of*
 11 *sections at the beginning of chapter 21 of title 14, United*
 12 *States Code, is amended to read as follows:*

“731. Establishment of promotion zones: running mate system.”.

13 (c) **EFFECTIVE DATE.**—*This section and the amend-*
 14 *ments made by this section shall take effect on October 1,*
 15 *2000, and shall apply with respect to selection boards con-*
 16 *vened under section 730 of title 14, United States Code, on*
 17 *or after that date.*

18 **SEC. 503. TIME FOR RELEASE OF OFFICER PROMOTION SE-**
 19 **LECTION BOARD REPORTS.**

20 (a) **ACTIVE-DUTY LIST OFFICER BOARDS.**—*Section*
 21 *618(e) of title 10, United States Code, is amended to read*
 22 *as follows:*

23 “(e)(1) *The names of the officers recommended for pro-*
 24 *motion in the report of a selection board may be dissemi-*
 25 *nated to the armed force concerned as follows:*

1 “(A) *In the case of officers recommended for pro-*
 2 *motion to a grade below brigadier general or rear ad-*
 3 *miral (lower half), upon the transmittal of the report*
 4 *to the President.*

5 “(B) *In the case of officers recommended for pro-*
 6 *motion to a grade above colonel or, in the case of the*
 7 *Navy, captain, upon the approval of the report by the*
 8 *President.*

9 “(C) *In the case of officers whose names have not*
 10 *been sooner disseminated, upon confirmation by the*
 11 *Senate.*

12 “(2) *A list of names of officers disseminated under*
 13 *paragraph (1) may not include—*

14 “(A) *any name removed by the President from*
 15 *the report of the selection board containing that*
 16 *name, if dissemination is under the authority of sub-*
 17 *paragraph (B) of such paragraph; or*

18 “(B) *the name of any officer whose promotion*
 19 *the Senate failed to confirm, if dissemination is*
 20 *under the authority of subparagraph (C) of such*
 21 *paragraph.”.*

22 (b) *RESERVE ACTIVE-STATUS LIST OFFICER*
 23 *BOARDS.—The text of section 14112 of title 10, United*
 24 *States Code, is amended to read as follows:*

1 “(a) *TIME FOR DISSEMINATION.*—*The names of the of-*
2 *ficers recommended for promotion in the report of a selec-*
3 *tion board may be disseminated to the armed force con-*
4 *cerned as follows:*

5 “(1) *In the case of officers recommended for pro-*
6 *motion to a grade below brigadier general or rear ad-*
7 *miral (lower half), upon the transmittal of the report*
8 *to the President.*

9 “(2) *In the case of officers recommended for pro-*
10 *motion to a grade above colonel or, in the case of the*
11 *Navy, captain, upon the approval of the report by the*
12 *President.*

13 “(3) *In the case of officers whose names have not*
14 *been sooner disseminated, upon confirmation by the*
15 *Senate.*

16 “(b) *NAMES NOT DISSEMINATED.*—*A list of names of*
17 *officers disseminated under subsection (a) may not*
18 *include—*

19 “(1) *any name removed by the President from*
20 *the report of the selection board containing that*
21 *name, if dissemination is under the authority of*
22 *paragraph (2) of such subsection; or*

23 “(2) *the name of any officer whose promotion the*
24 *Senate failed to confirm, if dissemination is under*
25 *the authority of paragraph (3) of such subsection.”.*

1 **SEC. 504. CLARIFICATION OF AUTHORITY FOR POST-**
 2 **HUMOUS COMMISSIONS AND WARRANTS.**

3 *Section 1521(a)(3) of title 10, United States Code, is*
 4 *amended to read as follows:*

5 *“(3) was officially recommended for appointment*
 6 *or promotion to a commissioned grade but died in*
 7 *line of duty before the appointment or promotion was*
 8 *approved by the Secretary concerned or before accept-*
 9 *ing the appointment or promotion.”.*

10 **SEC. 505. INAPPLICABILITY OF ACTIVE-DUTY LIST PRO-**
 11 **MOTION, SEPARATION, AND INVOLUNTARY**
 12 **RETIREMENT AUTHORITIES TO RESERVE**
 13 **GENERAL AND FLAG OFFICERS SERVING IN**
 14 **CERTAIN POSITIONS DESIGNATED FOR RE-**
 15 **SERVE OFFICERS BY THE CHAIRMAN OF THE**
 16 **JOINT CHIEFS OF STAFF.**

17 *Section 641(1)(B) of title 10, United States Code, is*
 18 *amended by inserting “526(b)(2)(A),” after “on active duty*
 19 *under section”.*

20 **SEC. 506. REVIEW OF ACTIONS OF SELECTION BOARDS.**

21 *(a) IN GENERAL.—(1) Chapter 79 of title 10, United*
 22 *States Code, is amended by adding at the end the following:*
 23 **“§1558. Exclusive remedies in cases involving selec-**
 24 **tion boards**

25 *“(a) CORRECTION OF MILITARY RECORDS.—The Sec-*
 26 *retary concerned may correct a person’s military records*

1 *in accordance with a recommendation made by a special*
 2 *board. Any such correction shall be effective, retroactively,*
 3 *as of the effective date of the action taken on a report of*
 4 *a previous selection board that resulted in the action cor-*
 5 *rected in the person's military records.*

6 “(b) *RELIEF ASSOCIATED WITH CORRECTIONS OF*
 7 *CERTAIN ACTIONS.—(1) The Secretary concerned shall en-*
 8 *sure that a person receives relief under paragraph (2) or*
 9 *(3), as the person may elect, if the person—*

10 “(A) *was separated or retired from an armed*
 11 *force, or transferred to the retired reserve or to inac-*
 12 *tive status in a reserve component, as a result of a*
 13 *recommendation of a selection board; and*

14 “(B) *becomes entitled to retention on or restora-*
 15 *tion to active duty or active status in a reserve com-*
 16 *ponent as a result of a correction of the person's mili-*
 17 *tary records under subsection (a).*

18 “(2)(A) *With the consent of a person referred to in*
 19 *paragraph (1), the person shall be retroactively and pro-*
 20 *spectively restored to the same status, rights, and entitle-*
 21 *ments (less appropriate offsets against back pay and allow-*
 22 *ances) in the person's armed force as the person would have*
 23 *had if the person had not been selected to be separated, re-*
 24 *tired, or transferred to the retired reserve or to inactive sta-*
 25 *tus in a reserve component, as the case may be, as a result*

1 *of an action corrected under subsection (a). An action under*
2 *this subparagraph is subject to subparagraph (B).*

3 “(B) *Nothing in subparagraph (A) shall be construed*
4 *to permit a person to be on active duty or in an active*
5 *status in a reserve component after the date on which the*
6 *person would have been separated, retired, or transferred*
7 *to the retired reserve or to inactive status in a reserve com-*
8 *ponent if the person had not been selected to be separated,*
9 *retired, or transferred to the retired reserve or to inactive*
10 *status in a reserve component, as the case may be, in an*
11 *action of a selection board that is corrected under subsection*
12 *(a).*

13 “(3) *If the person does not consent to a restoration of*
14 *status, rights, and entitlements under paragraph (2), the*
15 *person shall receive back pay and allowances (less appro-*
16 *priate offsets) and service credit for the period beginning*
17 *on the date of the person’s separation, retirement, or trans-*
18 *fer to the retired reserve or to inactive status in a reserve*
19 *component, as the case may be, and ending on the earlier*
20 *of—*

21 “(A) *the date on which the person would have*
22 *been so restored under paragraph (2), as determined*
23 *by the Secretary concerned; or*

24 “(B) *the date on which the person would other-*
25 *wise have been separated, retired, or transferred to the*

1 *retired reserve or to inactive status in a reserve com-*
2 *ponent, as the case may be.*

3 “(c) *FINALITY OF UNFAVORABLE ACTION.*—*If a special*
4 *board makes a recommendation not to correct the military*
5 *records of a person regarding action taken in the case of*
6 *that person on the basis of a previous report of a selection*
7 *board, the action previously taken on that report shall be*
8 *considered as final as of the date of the action taken on*
9 *that report.*

10 “(d) *REGULATIONS.*—(1) *The Secretary concerned*
11 *may prescribe regulations to carry out this section (other*
12 *than subsection (e)) with respect to the armed force or*
13 *armed forces under the jurisdiction of the Secretary.*

14 “(2) *The Secretary may prescribe in the regulations*
15 *the circumstances under which consideration by a special*
16 *board may be provided for under this section, including the*
17 *following:*

18 “(A) *The circumstances under which consider-*
19 *ation of a person’s case by a special board is contin-*
20 *gent upon application by or for that person.*

21 “(B) *Any time limits applicable to the filing of*
22 *an application for consideration.*

23 “(3) *Regulations prescribed by the Secretary of a mili-*
24 *tary department under this subsection shall be subject to*
25 *the approval of the Secretary of Defense.*

1 “(e) *JUDICIAL REVIEW.*—(1) *A person challenging for*
2 *any reason the action or recommendation of a selection*
3 *board, or the action taken by the Secretary concerned on*
4 *the report of a selection board, is not entitled to relief in*
5 *any judicial proceeding unless the person has first been con-*
6 *sidered by a special board under this section or the Sec-*
7 *retary concerned has denied such consideration.*

8 “(2) *In reviewing an action or recommendation of a*
9 *special board or an action of the Secretary concerned on*
10 *the report of a special board, a court may hold unlawful*
11 *and set aside the recommendation or action, as the case*
12 *may be, only if the court finds that recommendation or ac-*
13 *tion was contrary to law or involved a material error of*
14 *fact or a material administrative error.*

15 “(3) *In reviewing a decision by the Secretary con-*
16 *cerned to deny consideration by a special board in any case,*
17 *a court may hold unlawful and set aside the decision only*
18 *if the court finds the decision to be arbitrary or capricious,*
19 *not based on substantial evidence, or otherwise contrary to*
20 *law.*

21 “(f) *EXCLUSIVITY OF REMEDIES.*—*Notwithstanding*
22 *any other provision of law, but subject to subsection (g),*
23 *the remedies provided under this section are the only rem-*
24 *edies available to a person for correcting an action or rec-*
25 *ommendation of a selection board regarding that person or*

1 *an action taken on the report of a selection board regarding*
2 *that person.*

3 “(g) *EXISTING JURISDICTION.*—(1) *Nothing in this*
4 *section limits the jurisdiction of any court of the United*
5 *States under any provision of law to determine the validity*
6 *of any statute, regulation, or policy relating to selection*
7 *boards, except that, in the event that any such statute, regu-*
8 *lation, or policy is held invalid, the remedies prescribed in*
9 *this section shall be the sole and exclusive remedies available*
10 *to any person challenging the recommendation of a special*
11 *board on the basis of the invalidity.*

12 “(2) *Nothing in this section limits authority to correct*
13 *a military record under section 1552 of this title.*

14 “(h) *INAPPLICABILITY TO COAST GUARD.*—*This sec-*
15 *tion does not apply to the Coast Guard when it is not oper-*
16 *ating as a service in the Navy.*

17 “(i) *DEFINITIONS.*—*In this section:*

18 “(1) *The term ‘special board’—*

19 “(A) *means a board that the Secretary con-*
20 *cerned convenes under any authority to consider*
21 *whether to recommend a person for appointment,*
22 *enlistment, reenlistment, assignment, promotion,*
23 *retention, separation, retirement, or transfer to*
24 *inactive status in a reserve component instead of*
25 *referring the records of that person for consider-*

1 *ation by a previously convened selection board*
2 *which considered or should have considered that*
3 *person;*

4 *“(B) includes a board for the correction of*
5 *military or naval records convened under section*
6 *1552 of this title, if designated as a special board*
7 *by the Secretary concerned; and*

8 *“(C) does not include a promotion special*
9 *selection board convened under section 628 or*
10 *14502 of this title.*

11 *“(2) The term ‘selection board’—*

12 *“(A) means a selection board convened*
13 *under section 573(c), 580, 580a, 581, 611(b),*
14 *637, 638, 638a, 14101(b), 14701, 14704, or*
15 *14705 of this title, and any other board convened*
16 *by the Secretary concerned under any authority*
17 *to recommend persons for appointment, enlist-*
18 *ment, reenlistment, assignment, promotion, or*
19 *retention in the armed forces or for separation,*
20 *retirement, or transfer to inactive status in a re-*
21 *serve component for the purpose of reducing the*
22 *number of persons serving in the armed forces;*
23 *and*

24 *“(B) does not include—*

1 “(i) a promotion board convened under
2 section 573(a), 611(a), or 14101(a) of this
3 title;

4 “(ii) a special board;

5 “(iii) a special selection board con-
6 vened under section 628 of this title; or

7 “(iv) a board for the correction of mili-
8 tary records convened under section 1552 of
9 this title.”.

10 (2) *The table of sections at the beginning of such chap-*
11 *ter is amended by adding at the end the following:*

“1558. Exclusive remedies in cases involving selection boards .”.

12 (b) *SPECIAL SELECTION BOARDS.—Section 628 of*
13 *such title is amended—*

14 (1) *by redesignating subsection (g) as subsection*
15 *(j); and*

16 (2) *by inserting after subsection (f) the following:*

17 “(g) *LIMITATIONS OF OTHER JURISDICTION.—No offi-*
18 *cial or court of the United States may—*

19 “(1) *consider any claim based to any extent on*
20 *the failure of an officer or former officer of the armed*
21 *forces to be selected for promotion by a promotion*
22 *board until—*

23 “(A) *the claim has been referred by the Sec-*
24 *retary concerned to a special selection board con-*
25 *vened under this section and acted upon by that*

1 *board and the report of the board has been ap-*
2 *proved by the President; or*

3 *“(B) the claim has been rejected by the Sec-*
4 *retary concerned without consideration by a spe-*
5 *cial selection board; or*

6 *“(2) grant any relief on such a claim unless the*
7 *officer or former officer has been selected for pro-*
8 *motion by a special selection board convened under*
9 *this section to consider the officer’s claim and the re-*
10 *port of the board has been approved by the President.*

11 *“(h) JUDICIAL REVIEW.—(1) A court of the United*
12 *States may review a determination by the Secretary con-*
13 *cerned under subsection (a)(1) or (b)(1) not to convene a*
14 *special selection board. If a court finds the determination*
15 *to be arbitrary or capricious, not based on substantial evi-*
16 *dence, or otherwise contrary to law, it shall remand the case*
17 *to the Secretary concerned, who shall provide for consider-*
18 *ation of the officer or former officer by a special selection*
19 *board under this section.*

20 *“(2) A court of the United States may review the ac-*
21 *tion of a special selection board convened under this section*
22 *on a claim of an officer or former officer and any action*
23 *taken by the President on the report of the board. If a court*
24 *finds that the action was contrary to law or involved a ma-*
25 *terial error of fact or a material administrative error, it*

1 *shall remand the case to the Secretary concerned, who shall*
2 *provide for reconsideration of the officer or former officer*
3 *by another special selection board.*

4 “(i) *EXISTING JURISDICTION.*—(1) *Nothing in this*
5 *section limits the jurisdiction of any court of the United*
6 *States under any provision of law to determine the validity*
7 *of any statute, regulation, or policy relating to selection*
8 *boards, except that, in the event that any such statute, regu-*
9 *lation, or policy is held invalid, the remedies prescribed in*
10 *this section shall be the sole and exclusive remedies available*
11 *to any person challenging the recommendation of a selection*
12 *board on the basis of the invalidity.*

13 “(2) *Nothing in this section limits authority to correct*
14 *a military record under section 1552 of this title.”.*

15 “(c) *EFFECTIVE DATE AND APPLICABILITY.*—(1) *The*
16 *amendments made by this section shall take effect on the*
17 *date of the enactment of this Act and, except as provided*
18 *in paragraph (2), shall apply with respect to any pro-*
19 *ceeding pending on or after that date without regard to*
20 *whether a challenge to an action of a selection board of any*
21 *of the Armed Forces being considered in such proceeding*
22 *was initiated before, on, or after that date.*

23 “(2) *The amendments made by this section shall not*
24 *apply with respect to any action commenced in a court of*

1 *the United States before the date of the enactment of this*
 2 *Act.*

3 **SEC. 507. EXTENSION TO ALL AIR FORCE BIOMEDICAL**
 4 **SCIENCES OFFICERS OF AUTHORITY TO RE-**
 5 **TAIN UNTIL SPECIFIED AGE.**

6 *Section 14703(a)(3) of title 10, United States Code,*
 7 *is amended to read as follows:*

8 *“(3) the Secretary of the Air Force may, with the*
 9 *officer’s consent, retain in an active status any re-*
 10 *serve officer who is designated as a medical officer,*
 11 *dental officer, Air Force nurse, Medical Service Corps*
 12 *officer, biomedical sciences officer, or chaplain.”.*

13 **SEC. 508. TERMINATION OF APPLICATION REQUIREMENT**
 14 **FOR CONSIDERATION OF OFFICERS FOR CON-**
 15 **TINUATION ON THE RESERVE ACTIVE-STATUS**
 16 **LIST.**

17 *Section 14701(a)(1) of title 10, United States Code,*
 18 *is amended by striking “Upon application, a reserve offi-*
 19 *cer” and inserting “A reserve officer”.*

20 **SEC. 509. TECHNICAL CORRECTIONS RELATING TO RE-**
 21 **TIRED GRADE OF RESERVE COMMISSIONED**
 22 **OFFICERS.**

23 *(a) ARMY.—Section 3961(a) of title 10, United States*
 24 *Code, is amended by striking “or for nonregular service*
 25 *under chapter 1223 of this title”.*

1 (b) *AIR FORCE*.—Section 8961(a) of title 10, United
 2 States Code, is amended by striking “or for nonregular serv-
 3 ice under chapter 1223 of this title”.

4 (c) *EFFECTIVE DATE*.—The amendments made by sub-
 5 sections (a) and (b) shall apply to Reserve commissioned
 6 officers who are promoted to a higher grade as a result of
 7 selection for promotion by a board convened under chapter
 8 36 or 1403 of title 10, United States Code, or having been
 9 found qualified for Federal recognition in a higher grade
 10 under chapter 3 of title 32, United States Code, after Octo-
 11 ber 1, 1996.

12 **SEC. 510. GRADE OF CHIEFS OF RESERVE COMPONENTS**
 13 **AND DIRECTORS OF NATIONAL GUARD COM-**
 14 **PONENTS.**

15 (a) *CHIEF OF ARMY RESERVE*.—Section 3038(c) of
 16 title 10, United States Code, is amended—

17 (1) by striking “major general” in the third sen-
 18 tence and inserting “lieutenant general”; and

19 (2) by striking the fourth sentence.

20 (b) *CHIEF OF NAVAL RESERVE*.—Section 5143(c)(2)
 21 of such title is amended—

22 (1) by striking “rear admiral” in the first sen-
 23 tence and inserting “vice admiral”; and

24 (2) by striking the second sentence.

1 (c) *CHIEF OF AIR FORCE RESERVE*.—Section 8038(c)
2 *of such title is amended—*

3 (1) *by striking “major general” in the third sen-*
4 *tence and inserting “lieutenant general”; and*

5 (2) *by striking the fourth sentence.*

6 (d) *DIRECTORS IN THE NATIONAL GUARD BUREAU*.—
7 *Subparagraphs (A) and (B) of section 10506(a)(1) of such*
8 *title are each amended by striking “the grade of major gen-*
9 *eral or, if appointed to that position in accordance with*
10 *section 12505(a)(2) of this title,”.*

11 (e) *COMMANDER, MARINE FORCES RESERVE*.—(1)
12 *Section 5144(c)(2) of such title is amended to read as fol-*
13 *lows:*

14 “(2)(A) *The Commander, Marine Forces Reserve, while*
15 *so serving, has the grade of major general, without vacating*
16 *the officer’s permanent grade. An officer may, however, be*
17 *assigned to the position of Commander, Marine Forces Re-*
18 *serve, in the grade of lieutenant general if appointed to that*
19 *grade for service in that position by the President, by and*
20 *with the advice and consent of the Senate. An officer may*
21 *be recommended to the President for such an appointment*
22 *if selected for appointment to that position in accordance*
23 *with subparagraph (B).*

1 “(B) *An officer shall be considered to have been selected*
 2 *for appointment to the position of Commander, Marine*
 3 *Forces Reserve, in accordance with this subparagraph if—*

4 “(i) *the officer is recommended for that appoint-*
 5 *ment by the Secretary of the Navy;*

6 “(ii) *the officer is determined by the Chairman*
 7 *of the Joint Chiefs of Staff, in accordance with cri-*
 8 *teria and as a result of a process established by the*
 9 *Chairman, to have significant joint duty experience;*
 10 *and*

11 “(iii) *the officer is recommended by the Sec-*
 12 *retary of Defense to the President for the appoint-*
 13 *ment.”.*

14 (2) *Until October 1, 2002, the Secretary of Defense*
 15 *may, on a case-by-case basis, waive clause (ii) of section*
 16 *5144(c)(2)(B) of title 10, United States Code (as added by*
 17 *paragraph (1)), with respect to the appointment of an offi-*
 18 *cer to the position of Commander, Marine Forces Reserve,*
 19 *if in the judgment of the Secretary—*

20 (A) *the officer is qualified for service in the posi-*
 21 *tion; and*

22 (B) *the waiver is necessary for the good of the*
 23 *service.*

24 (f) *REPEAL OF SUPERSEDED AUTHORITY.—(1) Sec-*
 25 *tion 12505 of title 10, United States Code, is repealed.*

1 (2) *The table of sections at the beginning of chapter*
2 *1213 of such title is amended by striking the item relating*
3 *to section 12505.*

4 (g) *VICE CHIEF OF NATIONAL GUARD BUREAU.—(1)*
5 *The Secretary of Defense shall conduct a study of the advis-*
6 *ability of increasing the grade authorized for the Vice Chief*
7 *of the National Guard Bureau to Lieutenant General.*

8 (2) *As part of the study, the Chief of the National*
9 *Guard Bureau shall submit to the Secretary of Defense an*
10 *analysis of the functions and responsibilities of the Vice*
11 *Chief of the National Guard Bureau and the Chief's rec-*
12 *ommendation as to whether the grade authorized for the*
13 *Vice Chief should be increased.*

14 (3) *Not later than February 1, 2001, the Secretary*
15 *shall submit to the Committees on Armed Services of the*
16 *Senate and House of Representatives a report on the study.*
17 *The report shall include the following—*

18 (A) *the recommendation of the Chief of the Na-*
19 *tional Guard Bureau and any other information pro-*
20 *vided by the Chief to the Secretary of Defense pursu-*
21 *ant to paragraph (2);*

22 (B) *the conclusions resulting from the study; and*

23 (C) *the Secretary's recommendations regarding*
24 *whether the grade authorized for the Vice Chief of the*

1 *National Guard Bureau should be increased to Lieu-*
 2 *tenant General.*

3 *(h) EFFECTIVE DATES.—Subsection (g) shall take ef-*
 4 *fect on the date of the enactment of this Act. Except for*
 5 *that subsection, this section and the amendments made by*
 6 *this section shall take effect on the earlier of—*

7 *(1) the date that is 90 days after the date of the*
 8 *enactment of this Act; or*

9 *(2) January 1, 2001.*

10 **SEC. 511. CONTINGENT EXEMPTION FROM LIMITATION ON**
 11 **NUMBER OF AIR FORCE OFFICERS SERVING**
 12 **ON ACTIVE DUTY IN GRADES ABOVE MAJOR**
 13 **GENERAL.**

14 *Section 525(b) of title 10, United States Code, is*
 15 *amended by adding at the end the following:*

16 *“(8) While an officer of the Army, Navy, or Marine*
 17 *Corps is serving as Commander in Chief of the United*
 18 *States Transportation Command, an officer of the Air*
 19 *Force, while serving as Commander of the Air Mobility*
 20 *Command, if serving in the grade of general, is in addition*
 21 *to the number that would otherwise be permitted for the*
 22 *Air Force for officers serving on active duty in grades above*
 23 *major general under paragraph (1).*

24 *“(9) While an officer of the Army, Navy, or Marine*
 25 *Corps is serving as Commander in Chief of the United*

1 *States Space Command, an officer of the Air Force, while*
 2 *serving as Commander of the Air Force Space Command,*
 3 *if serving in the grade of general, is in addition to the num-*
 4 *ber that would otherwise be permitted for the Air Force for*
 5 *officers serving on active duty in grades above major gen-*
 6 *eral under paragraph (1).”.*

7 ***Subtitle B—Joint Officer*** 8 ***Management***

9 ***SEC. 521. JOINT SPECIALTY DESIGNATIONS AND ADDI-*** 10 ***TIONAL IDENTIFIERS.***

11 *Section 661 of title 10, United States Code, is amended*
 12 *to read as follows:*

13 ***“§661. Management policies for joint specialty offi-*** 14 ***cers***

15 *“(a) ESTABLISHMENT.—The Secretary of Defense shall*
 16 *establish policies, procedures, and practices for the effective*
 17 *management of officers of the Army, Navy, Air Force, and*
 18 *Marine Corps on the active-duty list who are particularly*
 19 *trained in, and oriented toward, joint matters (as defined*
 20 *in section 668 of this title). Such officers shall be identified*
 21 *or designated (in addition to their principal military occu-*
 22 *pational specialty) in such manner as the Secretary of De-*
 23 *fense directs. For purposes of this chapter, officers to be*
 24 *managed by such policies, procedures, and practices are*

1 *those who have been designated under subsection (b) as joint*
 2 *specialty officers.*

3 “(b) *JOINT SPECIALTY OFFICER DESIGNATION.*—(1)
 4 *The purpose for designation of officers as joint specialty of-*
 5 *ficers is to provide a quickly identifiable group of officers*
 6 *who have the joint service experience and education in joint*
 7 *matters that are especially required for any particular or-*
 8 *ganizational staff or joint task force operation.*

9 “(2) *To qualify for the joint specialty designation, an*
 10 *officer shall—*

11 “(A) *have successfully completed—*

12 “(i) *a program of education in residence at*
 13 *a joint professional military education school ac-*
 14 *credited as such by the Chairman of the Joint*
 15 *Chiefs of Staff; and*

16 “(ii) *a full tour of duty in a joint duty as-*
 17 *signment; or*

18 “(B) *have successfully completed two full tours of*
 19 *duty in joint duty assignments.*

20 “(3) *The requirements set forth in paragraph (2)(A)*
 21 *may be satisfied in any sequence.*

22 “(4) *The Secretary of Defense shall prescribe the stand-*
 23 *ards for characterizing the completion of a requirement*
 24 *under paragraph (2) as successful.*

1 “(5) *An officer may not be designated as a joint specialty officer unless qualified under paragraph (2).*

3 “(c) *ADDITIONAL IDENTIFIER.—An officer designated as a joint specialty officer may be awarded an additional joint specialty identifier as directed by the Secretary under subsection (a).*

7 “(d) *WAIVER AUTHORITY FOR AWARD OF ADDITIONAL IDENTIFIER.—(1) The Secretary of Defense may waive the applicability of a requirement for a qualification set forth in subsection (b) for a designation of a particular officer as a joint specialty officer upon the Secretary’s determination that, by reason of unusual circumstances applicable in the officer’s case, the officer has one or more qualifications that are comparable to the qualification waived.*

15 “(2) *The Secretary may grant a waiver for a general or flag officer under paragraph (1) only upon the Secretary’s determination that it is necessary to do so in order to meet a critical need of the armed forces.*

19 “(3) *The Secretary may delegate authority under this subsection only to the Deputy Secretary of Defense or the Chairman of the Joint Chiefs of Staff.*

22 “(4) *The Secretary of the military department concerned may request a waiver under this subsection. A request shall include a full justification for the requested waiver on the basis of the criterion described in paragraph*

1 (1) and, in the case of a general or flag officer, the addi-
 2 tional criterion described in paragraph (2).

3 “(e) *GENERAL AND FLAG OFFICER POSITIONS.*—(1)
 4 The Secretary of Defense shall designate the joint duty as-
 5 signments for general or flag officers that must be filled by
 6 joint specialty officers.

7 “(2) Only a joint specialty officer may be assigned to
 8 a joint duty assignment designated under paragraph (1).

9 “(3) The Secretary may waive the limitation in para-
 10 graph (2) if the Secretary determines that it is necessary
 11 to do so in the interest of national security.

12 “(f) *JOINT PROFESSIONAL MILITARY EDUCATION*
 13 *SCHOOLS.*—The Chairman of the Joint Chiefs of Staff shall
 14 accredit as joint professional military education schools for
 15 the purposes of this chapter the schools that the Chairman
 16 determines as being qualified for the accreditation. A school
 17 may not be considered a joint professional military edu-
 18 cation school for any such purpose unless the school is so
 19 accredited.”.

20 **SEC. 522. PROMOTION OBJECTIVES.**

21 (a) *OBJECTIVES.*—Section 662 of title 10, United
 22 States Code, is amended to read as follows:

23 **“§ 662. Promotion policy objectives for joint officers**

24 “(a) *QUALIFICATIONS.*—The Secretary of Defense shall
 25 ensure that the qualifications of officers assigned to joint

1 *duty assignments and officers whose previous assignment*
2 *was a joint duty assignment are such that those officers are*
3 *expected, as a group, to be promoted to the next higher grade*
4 *at a rate not less than the rate for officers of the same armed*
5 *force in the same grade and competitive category who are*
6 *serving on the headquarters staff of that armed force.*

7 “(b) *VALIDATION OF QUALIFICATIONS.—(1) The Sec-*
8 *retary of a military department shall validate the qualifica-*
9 *tions of officers under the jurisdiction of the Secretary for*
10 *eligibility for joint duty assignments.*

11 “(2) *The Secretary shall ensure that, under the process*
12 *prescribed under paragraph (3), an adequate number of the*
13 *colonels or, in the case of the Navy, captains validated as*
14 *qualified for joint duty assignments satisfy the require-*
15 *ments under section 619a of this title for promotion to brig-*
16 *adier general or rear admiral (lower half), respectively.*

17 “(3) *The Secretary shall prescribe the process for vali-*
18 *dating qualifications of officers under the jurisdiction of the*
19 *Secretary in accordance with this subsection.*

20 “(c) *CONSIDERATION OF JOINT SPECIALTY OFFI-*
21 *CERS.—(1) The Secretary of Defense shall prescribe policies*
22 *for ensuring that joint specialty officers eligible for consid-*
23 *eration for promotion are appropriately considered for pro-*
24 *motion.*

25 “(2) *The policies shall require the following:*

1 “(A) *That at least one member of a board con-*
 2 *vened for the selection of officers for promotion to a*
 3 *grade above major or, in the case of the Navy, lieuten-*
 4 *ant commander is serving in a joint duty assignment*
 5 *and has been approved by the Chairman of the Joint*
 6 *Chiefs of Staff for appointment to membership on*
 7 *that board.*

8 “(B) *That the Chairman of the Joint Chiefs of*
 9 *Staff has the opportunity to review the report of each*
 10 *promotion selection board referred to in subparagraph*
 11 *(A), and to submit comments on the report to the Sec-*
 12 *retary of Defense and the Secretary of the military*
 13 *department concerned, before the Secretary of that*
 14 *military department takes action on the report.”.*

15 (b) *CLERICAL AMENDMENT.—The table of sections at*
 16 *the beginning of chapter 38 of title 10, United States Code,*
 17 *is amended by striking the item relating to section 662 and*
 18 *inserting the following:*

 “662. *Promotion policy objectives for joint officers.”.*

19 **SEC. 523. EDUCATION.**

20 (a) *OFFICERS ELIGIBLE FOR WAIVER OF CAPSTONE*
 21 *COURSE REQUIREMENT.—Subsection (a)(1)(C) of section*
 22 *663 of title 10, United States Code, is amended by striking*
 23 *“scientific and technical qualifications” and inserting “ca-*
 24 *reer field specialty qualifications”.*

1 (b) *REPEAL OF REQUIREMENT FOR POST-EDUCATION*
 2 *JOINT DUTY ASSIGNMENT.*—*Such section is further amend-*
 3 *ed by striking subsection (d).*

4 **SEC. 524. LENGTH OF JOINT DUTY ASSIGNMENT.**

5 (a) *IN GENERAL.*—*Section 664 of title 10, United*
 6 *States Code, is amended—*

7 (1) *by striking subsections (a) through (h);*

8 (2) *by redesignating subsection (i) as subsection*
 9 *(f); and*

10 (3) *by inserting after the section heading the fol-*
 11 *lowing:*

12 “(a) *IN GENERAL.*—*The length of a joint duty assign-*
 13 *ment at an installation or other place of duty shall be equiv-*
 14 *alent to the standard length of the assignments (other than*
 15 *joint duty assignments) of officers at that installation or*
 16 *other place of duty.*

17 “(b) *WAIVER AUTHORITY.*—*The Secretary of Defense*
 18 *may waive the requirement in subsection (a) for the length*
 19 *of a joint duty assignment in the case of any officer upon*
 20 *a determination by the Secretary that the waiver is critical*
 21 *in the case of that specific officer for meeting military per-*
 22 *sonnel management requirements.*

23 “(c) *CURTAILMENT OF ASSIGNMENT.*—*The Secretary*
 24 *of Defense may, upon the request of the Secretary of the*
 25 *military department concerned, authorize a curtailment of*

1 *a joint duty assignment of more than two years for an offi-*
2 *cer who has served in that assignment for at least two years.*

3 “(d) *FULL TOUR OF DUTY.—Subject to subsection (e),*
4 *an officer shall be considered to have completed a full tour*
5 *of duty in a joint duty assignment upon the completion*
6 *of service performed in a grade not lower than major or,*
7 *in the case of the Navy, lieutenant commander, as follows:*

8 “(1) *Service in a joint duty assignment that*
9 *meets the standard set forth in subsection (a).*

10 “(2) *Service in a joint duty assignment under*
11 *the circumstances described in subsection (c).*

12 “(3) *Cumulative service in one or more joint*
13 *task force headquarters that is substantially equiva-*
14 *lent to a standard length of assignment determined*
15 *under subsection (a).*

16 “(4) *Service in a joint duty assignment with re-*
17 *spect to which the Secretary of Defense has granted*
18 *a waiver under subsection (b), but only in a case in*
19 *which the Secretary directs that the service completed*
20 *by the officer in that duty assignment be considered*
21 *to be a full tour of duty in a joint duty assignment.*

22 “(5) *Service in a second joint duty assignment*
23 *that is less than the period required under subsection*
24 *(a), but is not less than two years, without regard to*

1 *whether a waiver was granted for such assignment*
 2 *under subsection (b).”.*

3 **(b) JOINT DUTY CREDIT FOR CERTAIN JOINT TASK**
 4 **FORCE ASSIGNMENTS.**—*Subsection (f) of such section, as*
 5 *redesignated by subsection (a)(2), is amended—*

6 *(1) in paragraph (4)(B), by inserting before the*
 7 *period at the end the following: “, except that cumu-*
 8 *lative service of less than one year in more than one*
 9 *such assignment in the headquarters of a joint task*
 10 *force may not be credited”;*

11 *(2) in paragraph (4)(E)—*

12 *(A) by striking “combat or combat-related”;*

13 *and*

14 *(B) by inserting before the period at the end*
 15 *the following: “, as approved by the Secretary of*
 16 *Defense”;*

17 *(3) in paragraph (5), by striking “any of the fol-*
 18 *lowing provisions of this title.” and all that follows*
 19 *and inserting “section 662 of this title or paragraph*
 20 *(2), (4), or (7) of section 667(a) of this title.”; and*

21 *(4) by striking paragraph (6).*

22 **SEC. 525. ANNUAL REPORT TO CONGRESS.**

23 *Section 667 of title 10, United States Code, is amended*
 24 *by striking paragraph (1) and all that follows and inserting*
 25 *the following:*

1 “(1) *The number of joint specialty officers, re-*
2 *ported by grade and by branch or specialty.*

3 “(2) *An assessment of the extent to which the*
4 *Secretary of each military department is assigning*
5 *personnel to joint duty assignments in accordance*
6 *with this chapter and the policies, procedures, and*
7 *practices established by the Secretary of Defense*
8 *under section 661(a) of this title.*

9 “(3) *The number of waivers granted under sec-*
10 *tion 619a(b)(1) of this title for officers in the grade*
11 *of colonel or, in the case of the Navy, captain for each*
12 *of the years preceding the year in which the report is*
13 *submitted.*

14 “(4) *The officers whose service in joint duty as-*
15 *signments during the year covered by the report ter-*
16 *minated before the officers completed the full tour of*
17 *duty in those assignments, expressed as a percent of*
18 *the total number of officers in joint duty assignments*
19 *during that year.*

20 “(5) *The percentage of fill of student quotas for*
21 *each course of the National Defense University for the*
22 *year covered by the report.*

23 “(6) *A list of the joint task force headquarters in*
24 *which service was approved for crediting as a joint*
25 *duty assignment for the year covered by the report.*

1 “(7) *The following comparisons:*

2 “(A) *A comparison of—*

3 “(i) *the promotion rates for officers*
4 *who are officers serving in joint duty as-*
5 *signments or officers whose previous assign-*
6 *ment was a joint duty assignment and were*
7 *considered for promotion within the pro-*
8 *motion zone, with*

9 “(ii) *the promotion rates for other offi-*
10 *cers in the same grade and the same com-*
11 *petitive category who are serving on the*
12 *headquarters staff of the armed force con-*
13 *cerned and were considered for promotion*
14 *within the promotion zone.*

15 “(B) *A comparison of—*

16 “(i) *the promotion rates for officers*
17 *who are officers serving in joint duty as-*
18 *signments or officers whose previous assign-*
19 *ment was a joint duty assignment and were*
20 *considered for promotion from above the*
21 *promotion zone, with*

22 “(ii) *the promotion rates for other offi-*
23 *cers in the same grade and the same com-*
24 *petitive category who are serving on the*
25 *headquarters staff of the armed force con-*

1 cerned and were considered for promotion
2 from above the promotion zone.

3 “(C) A comparison of—

4 “(i) the promotion rates for officers
5 who are officers serving in joint duty as-
6 signments or officers whose previous assign-
7 ment was a joint duty assignment and were
8 considered for promotion from below the
9 promotion zone, with

10 “(ii) the promotion rates for other offi-
11 cers in the same grade and the same com-
12 petitive category who are serving on the
13 headquarters staff of the armed force con-
14 cerned and were considered for promotion
15 from below the promotion zone.

16 “(8) If any of the comparisons in paragraph (7)
17 indicate that the promotion rates for officers referred
18 to in subparagraph (A)(i), (B)(i), or (C)(i) of such
19 paragraph fail to meet the objective set forth in sec-
20 tion 662(a) of this title, information on the failure
21 and on what action the Secretary has taken or plans
22 to take to prevent further failures.

23 “(9) Any other information relating to joint offi-
24 cer management that the Secretary of Defense con-
25 siders significant.”.

1 **SEC. 526. MULTIPLE ASSIGNMENTS CONSIDERED AS SIN-**
 2 **GLE JOINT DUTY ASSIGNMENT.**

3 (a) *DEFINITION OF JOINT DUTY ASSIGNMENT.*—Sub-
 4 section (b) of section 668 of title 10, United States Code,
 5 is amended—

6 (1) by redesignating paragraph (2) as para-
 7 graph (3); and

8 (2) by inserting after paragraph (1) the fol-
 9 lowing new paragraph (2):

10 “(2) An assignment not qualifying as a joint duty as-
 11 signment within the definition prescribed under paragraph
 12 (1) shall be treated as a joint duty assignment for the pur-
 13 poses of this subchapter if the assignment is considered
 14 under subsection (c)(2) as part of a single tour of duty in
 15 a joint duty assignment.”.

16 (b) *MULTIPLE ASSIGNMENTS CONSIDERED AS SINGLE*
 17 *TOUR OF DUTY.*—Subsection (c) of such section is amended
 18 to read as follows:

19 “(c) *MULTIPLE ASSIGNMENTS CONSIDERED AS SIN-*
 20 *GLE TOUR OF DUTY.*—For purposes of this chapter, service
 21 in more than one assignment shall be considered to be a
 22 single tour of duty in a joint duty assignment, as follows:

23 “(1) Continuous service in two or more consec-
 24 utive joint duty assignments, as defined under sub-
 25 section (b)(1).

26 “(2) Continuous service, in any order, in—

1 “(A) at least one joint duty assignment, as
2 defined under subsection (b)(1); and

3 “(B) one or more assignments not satisfying
4 the definition prescribed under subsection (b)(1)
5 but involving service that provides significant
6 experience in joint matters, as determined under
7 policies prescribed by the Secretary of Defense
8 under section 661(a) of this title.”.

9 **SEC. 527. JOINT DUTY REQUIREMENT FOR PROMOTION TO**
10 **ONE-STAR GRADES.**

11 Section 619a of title 10, United States Code, is
12 amended—

13 (1) in subsection (a), by striking “section 664(f)”
14 and inserting “section 664(d); and

15 (2) in subsection (b)—

16 (A) in paragraph (2), by striking “scientific
17 and technical qualifications” and inserting “ca-
18 reer field specialty qualifications”; and

19 (B) in paragraph (4), by striking “if—”
20 and all that follows and inserting a period.

***Subtitle C—Education and
Training***

***SEC. 541. ELIGIBILITY OF CHILDREN OF RESERVES FOR
PRESIDENTIAL APPOINTMENT TO SERVICE
ACADEMIES.***

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “, other than those granted retired pay under section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)”; and

(2) by inserting after subparagraph (B) the following:

“(C) are serving as members of reserve components and are credited with at least eight years of service computed under section 12733 of this title; or

“(D) would be, or who died while they would have been, entitled to retired pay under chapter 1223 of this title except for not having attained 60 years of age;”.

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(b)(1) of such title is amended—

1 (1) in subparagraph (B), by striking “, other
2 than those granted retired pay under section 12731 of
3 this title (or under section 1331 of this title as in ef-
4 fect before the effective date of the Reserve Officer Per-
5 sonnel Management Act)”; and

6 (2) by inserting after subparagraph (B) the fol-
7 lowing:

8 “(C) are serving as members of reserve com-
9 ponents and are credited with at least eight
10 years of service computed under section 12733 of
11 this title; or

12 “(D) would be, or who died while they
13 would have been, entitled to retired pay under
14 chapter 1223 of this title except for not having
15 attained 60 years of age;”.

16 (c) UNITED STATES AIR FORCE ACADEMY.—Section
17 9342(b)(1) of such title is amended—

18 (1) in subparagraph (B), by striking “, other
19 than those granted retired pay under section 12731 of
20 this title (or under section 1331 of this title as in ef-
21 fect before the effective date of the Reserve Officer Per-
22 sonnel Management Act)”; and

23 (2) by inserting after subparagraph (B) the fol-
24 lowing:

1 “(C) are serving as members of reserve com-
 2 ponents and are credited with at least eight
 3 years of service computed under section 12733 of
 4 this title; or

5 “(D) would be, or who died while they
 6 would have been, entitled to retired pay under
 7 chapter 1223 of this title except for not having
 8 attained 60 years of age;”.

9 **SEC. 542. SELECTION OF FOREIGN STUDENTS TO RECEIVE**
 10 **INSTRUCTION AT SERVICE ACADEMIES.**

11 (a) *UNITED STATES MILITARY ACADEMY.*—Section
 12 4344(a) of title 10, United States Code, is amended by add-
 13 ing at the end the following:

14 “(3) In selecting persons to receive instruction under
 15 this section from among applicants from the countries ap-
 16 proved under paragraph (2), the Secretary shall give a pri-
 17 ority to persons who have a national service obligation to
 18 their countries upon graduation from the Academy.”.

19 (b) *UNITED STATES NAVAL ACADEMY.*—Section
 20 6957(a) of such title is amended by adding at the end the
 21 following:

22 “(3) In selecting persons to receive instruction under
 23 this section from among applicants from the countries ap-
 24 proved under paragraph (2), the Secretary shall give a pri-

1 ority to persons who have a national service obligation to
 2 their countries upon graduation from the Academy.”.

3 (c) *UNITED STATES AIR FORCE ACADEMY.*—Section
 4 9344(a) of such title is amended by adding at the end the
 5 following:

6 “(3) In selecting persons to receive instruction under
 7 this section from among applicants from the countries ap-
 8 proved under paragraph (2), the Secretary shall give a pri-
 9 ority to persons who have a national service obligation to
 10 their countries upon graduation from the Academy.”.

11 (d) *EFFECTIVE DATE AND APPLICABILITY.*—This sec-
 12 tion and the amendments made by this section shall take
 13 effect on October 1, 2000, and shall apply with respect to
 14 academic years that begin after that date.

15 **SEC. 543. REPEAL OF CONTINGENT FUNDING INCREASE**
 16 **FOR JUNIOR RESERVE OFFICERS TRAINING**
 17 **CORPS.**

18 (a) *REPEAL.*—(1) Section 2033 of title 10, United
 19 States Code, is repealed.

20 (2) The table of sections at the beginning of chapter
 21 102 of such title is amended by striking the item relating
 22 to section 2033.

23 (b) *EFFECTIVE DATE.*—This section and the amend-
 24 ments made by this section shall take effect on October 1,
 25 2000.

1 **SEC. 544. REVISION OF AUTHORITY FOR MARINE CORPS**
 2 **PLATOON LEADERS CLASS TUITION ASSIST-**
 3 **ANCE PROGRAM.**

4 (a) *ELIGIBILITY OF OFFICERS.*—Section 16401 of title
 5 10, United States Code, is amended—

6 (1) in subsection (a), by striking “enlisted” in
 7 the matter preceding paragraph (1); and

8 (2) in subsection (b)(1)—

9 (A) by striking “an enlisted member” in the
 10 matter preceding subparagraph (A) and insert-
 11 ing “a member”; and

12 (B) by striking “an officer candidate in” in
 13 subparagraph (A) and inserting “a member of”.

14 (b) *REPEAL OF AGE LIMITATIONS.*—Subsection (b) of
 15 such section is amended—

16 (1) in paragraph (1)—

17 (A) by striking subparagraph (B);

18 (B) by redesignating subparagraphs (C)
 19 and (D) as subparagraphs (B) and (C), respec-
 20 tively; and

21 (C) in subparagraph (C), as so redesign-
 22 ated, by striking “paragraph (3)” and insert-
 23 ing “paragraph (2)”;

24 (2) by striking subparagraph (2);

25 (3) by redesignating paragraph (3) as para-
 26 graph (2); and

1 (4) in paragraph (2), as so redesignated, by
 2 striking “paragraph (1)(D)” and inserting “para-
 3 graph (1)(C)”.

4 (c) *CANDIDATES FOR LAW DEGREES.*—Subsection
 5 (a)(2) of such section is amended by striking “three” and
 6 inserting “four”.

7 (d) *INAPPLICABILITY OF SANCTION TO OFFICERS.*—
 8 Subsection (f)(1) of such section is amended by striking “A
 9 member” and inserting “An enlisted member”.

10 (e) *AMENDMENTS OF HEADINGS.*—(1) The heading for
 11 such section is amended to read as follows:

12 **“§ 16401. Marine Corps Platoon Leaders Class tuition**
 13 **assistance program”.**

14 (2) The heading for subsection (a) of such section is
 15 amended by striking “FOR FINANCIAL ASSISTANCE PRO-
 16 GRAM”.

17 (f) *CLERICAL AMENDMENT.*—The item relating to such
 18 section in the table of chapters at the beginning of chapter
 19 1611 of title 10, United States Code, is amended to read
 20 as follows:

“16401. Marine Corps Platoon Leaders Class tuition assistance program.”.

21 ***Subtitle D—Matters Relating to***
 22 ***Recruiting***

23 ***SEC. 551. ARMY RECRUITING PILOT PROGRAMS.***

24 (a) *REQUIREMENT FOR PROGRAMS.*—The Secretary of
 25 the Army shall carry out pilot programs to test various re-

1 *cruiting approaches under this section for the following*
2 *purposes:*

3 (1) *To assess the effectiveness of the recruiting*
4 *approaches for creating enhanced opportunities for re-*
5 *cruiters to make direct, personal contact with poten-*
6 *tial recruits.*

7 (2) *To improve the overall effectiveness and effi-*
8 *ciency of Army recruiting activities.*

9 (b) *OUTREACH THROUGH MOTOR SPORTS.—(1) One*
10 *of the pilot programs shall be a pilot program of public*
11 *outreach that associates the Army with motor sports com-*
12 *petitions to achieve the objectives set forth in paragraph (2).*

13 (2) *The events and activities undertaken under the*
14 *pilot program shall be designed to provide opportunities for*
15 *Army recruiters to make direct, personal contact with high*
16 *school students to achieve the following objectives:*

17 (A) *To increase enlistments by students grad-*
18 *uating from high school.*

19 (B) *To reduce attrition in the Delayed Entry*
20 *Program of the Army by sustaining the personal com-*
21 *mitment of students who have elected delayed entry*
22 *into the Army under the program.*

23 (3) *Under the pilot program, the Secretary shall pro-*
24 *vide for the following:*

1 (A) *For Army recruiters or other Army*
2 *personnel—*

3 (i) *to organize Army sponsored career day*
4 *events in association with national motor sports*
5 *competitions; and*

6 (ii) *to arrange for or encourage attendance*
7 *at the competitions by high school students,*
8 *teachers, guidance counselors, and administra-*
9 *tors of high schools located near the competitions.*

10 (B) *For Army recruiters and other soldiers to at-*
11 *tend national motor sports competitions—*

12 (i) *to display exhibits depicting the contem-*
13 *porary Army and career opportunities in the*
14 *Army; and*

15 (ii) *to discuss those opportunities with po-*
16 *tential recruits.*

17 (C) *For the Army to sponsor a motor sports rac-*
18 *ing team as part of an integrated program of recruit-*
19 *ment and publicity for the Army.*

20 (D) *For the Army to sponsor motor sports com-*
21 *petitions for high school students at which recruiters*
22 *meet with potential recruits.*

23 (E) *For Army recruiters or other Army per-*
24 *sonnel to compile in an Internet accessible database*
25 *the names, addresses, telephone numbers, and elec-*

1 *tronic mail addresses of persons who are identified as*
2 *potential recruits through activities under the pilot*
3 *program.*

4 *(F) Any other activities associated with motor*
5 *sports competition that the Secretary determines ap-*
6 *propriate for Army recruitment purposes.*

7 *(c) OUTREACH AT VOCATIONAL SCHOOLS AND COMMU-*
8 *NITY COLLEGES.—(1) One of the pilot programs shall be*
9 *a pilot program under which Army recruiters are assigned*
10 *at postsecondary vocational institutions and community*
11 *colleges for the purpose of recruiting students graduating*
12 *from those institutions and colleges, recent graduates of*
13 *those institutions and colleges, and students withdrawing*
14 *from enrollments in those institutions and colleges.*

15 *(2) The Secretary shall select the institutions and col-*
16 *leges to be invited to participate in the pilot program.*

17 *(3) The conduct of the pilot program at an institution*
18 *or college shall be subject to an agreement which the Sec-*
19 *retary shall enter into with the governing body or author-*
20 *ized official of the institution or college, as the case may*
21 *be.*

22 *(4) Under the pilot program, the Secretary shall pro-*
23 *vide for the following:*

24 *(A) For Army recruiters to be placed in postsec-*
25 *ondary vocational institutions and community col-*

1 leges to serve as a resource for guidance counselors
2 and to recruit for the Army.

3 (B) For Army recruiters to recruit from among
4 students and graduates described in paragraph (1).

5 (C) For the use of telemarketing, direct mail,
6 interactive voice response systems, and Internet
7 website capabilities to assist the recruiters in the post-
8 secondary vocational institutions and community col-
9 leges.

10 (D) For any other activities that the Secretary
11 determines appropriate for recruitment activities in
12 postsecondary vocational institutions and community
13 colleges.

14 (5) In this subsection, the term “postsecondary voca-
15 tional institution” has the meaning given the term in sec-
16 tion 102(c) of the Higher Education Act of 1965 (20 U.S.C.
17 1002(c)).

18 (d) *CONTRACT RECRUITING INITIATIVES.*—(1) One of
19 the pilot programs shall be a program that expands in ac-
20 cordance with this subsection the scope of the Army’s con-
21 tract recruiting initiatives that are ongoing as of the date
22 of the enactment of this Act. Under the pilot program, the
23 Secretary shall select at least five recruiting battalions to
24 apply the initiatives in efforts to recruit personnel for the
25 Army.

1 (2) *Under the pilot program, the Secretary shall pro-*
2 *vide for the following:*

3 (A) *For replacement of the Regular Army re-*
4 *cruiters by contract recruiters in the five recruiting*
5 *battalions selected under paragraph (1).*

6 (B) *For operation of the five battalions under the*
7 *same rules and chain of command as the other Army*
8 *recruiting battalions.*

9 (C) *For use of the offices, facilities, and equip-*
10 *ment of the five battalions by the contract recruiters.*

11 (D) *For reversion to performance of the recruit-*
12 *ing activities by Regular Army soldiers in the five*
13 *battalions upon termination of the pilot program.*

14 (E) *For any other uses of contractor personnel*
15 *for Army recruiting activities that the Secretary de-*
16 *termines appropriate.*

17 (e) *DURATION OF PILOT PROGRAMS.—The pilot pro-*
18 *grams required by this section shall be carried out during*
19 *the period beginning on October 1, 2000, and, subject to*
20 *subsection (f), ending on December 31, 2005.*

21 (f) *AUTHORITY TO EXPAND OR EXTEND PILOT PRO-*
22 *GRAMS.—The Secretary may expand the scope of any of the*
23 *pilot programs (under subsection (b)(3)(F), (c)(4)(D),*
24 *(d)(2)(E), or otherwise) or extend the period for any of the*
25 *pilot programs. Before doing so in the case of a pilot pro-*

1 *gram, the Secretary shall submit to the Committees on*
2 *Armed Services of the Senate and the House of Representa-*
3 *tives a written notification of the expansion of the pilot pro-*
4 *gram (together with the scope of the expansion) or the con-*
5 *tinuation of the pilot program (together with the period of*
6 *the extension), as the case may be.*

7 *(g) RELATIONSHIP TO OTHER LAW.—The Secretary*
8 *may exercise the authority to carry out a pilot program*
9 *under this section without regard to any other provision*
10 *of law that, except for this subsection, would otherwise re-*
11 *strict the actions taken by the Secretary under that author-*
12 *ity.*

13 *(h) REPORTS.—Not later than February 1, 2006, the*
14 *Secretary of the Army shall submit to the Committees on*
15 *Armed Services of the Senate and the House of Representa-*
16 *tives a separate report on each of the pilot programs carried*
17 *out under this section. The report on a pilot program shall*
18 *include the following:*

19 *(1) The Secretary's assessment of the value of the*
20 *actions taken in the administration of the pilot pro-*
21 *gram for increasing the effectiveness and efficiency of*
22 *Army recruiting.*

23 *(2) Any recommendations for legislation or other*
24 *action that the Secretary considers appropriate to in-*

1 crease the effectiveness and efficiency of Army recruit-
2 ing.

3 **SEC. 552. ENHANCEMENT OF THE JOINT AND SERVICE RE-**
4 **CRUITMENT MARKET RESEARCH AND ADVER-**
5 **TISING PROGRAMS.**

6 *The Secretary of Defense shall take appropriate actions*
7 *to enhance the effectiveness of the Joint and Service Recruit-*
8 *ing and Advertising Programs through an aggressive pro-*
9 *gram of advertising and market research targeted to pro-*
10 *spective recruits for the Armed Forces and to persons who*
11 *influence prospective recruits. Chapter 35 of title 44, United*
12 *States Code, shall not apply to actions taken under this*
13 *section.*

14 **SEC. 553. ACCESS TO SECONDARY SCHOOLS FOR MILITARY**
15 **RECRUITING PURPOSES.**

16 (a) *REQUIREMENT FOR ACCESS.*—Section 503(c) of
17 *title 10, United States Code, is amended to read as follows:*

18 “(c) *ACCESS TO SECONDARY SCHOOLS.*—(1) *Each*
19 *local educational agency shall provide to the Department*
20 *of Defense, upon a request made for military recruiting*
21 *purposes, the same access to secondary school students, and*
22 *to directory information concerning such students, as is*
23 *provided generally to post-secondary educational institu-*
24 *tions or to prospective employers of those students, except*
25 *as provided in paragraph (5).*

1 “(2) *If a local educational agency denies a request for*
2 *recruiting access that must be granted under paragraph (1),*
3 *the Secretary of the military department for which the re-*
4 *quest is made shall designate a general or flag officer of*
5 *the armed force concerned or a senior executive of that mili-*
6 *tary department to visit the local educational agency for*
7 *the purpose of arranging for recruiting access. The des-*
8 *ignated officer or senior executive shall make the visit with-*
9 *in 120 days after the date of the denial of the request.*

10 “(3) *Upon a determination by the Secretary of Defense*
11 *that, after the actions under paragraph (2) have been taken*
12 *with respect to a local educational agency, the agency con-*
13 *tinues to deny recruiting access, the Secretary shall trans-*
14 *mit to the Chief Executive of the State in which the local*
15 *educational agency is located a notification of the denial*
16 *of access and a request for assistance in obtaining the re-*
17 *quested access. The notification shall be transmitted within*
18 *60 days after the date of the determination. The Secretary*
19 *shall provide copies of communications between the Sec-*
20 *retary and a Chief Executive under this subparagraph to*
21 *the Secretary of Education.*

22 “(4) *If a local educational agency continues to deny*
23 *recruiting access one year after the date of the transmittal*
24 *of a notification regarding that agency under paragraph*
25 *(3), the Secretary shall—*

1 “(A) *determine whether the agency denies re-*
2 *cruiting access to at least two of the armed forces*
3 *(other than the Coast Guard when it is not operating*
4 *as a service in the Navy); and*

5 “(B) *upon making an affirmative determination*
6 *under subparagraph (A), transmit a notification of*
7 *the denial of recruiting access to—*

8 “(i) *the Committees on Armed Services of*
9 *the Senate and the House of Representatives;*

10 “(ii) *the Senators of the State in which the*
11 *local educational agency operates; and*

12 “(iii) *the member of the House of Represent-*
13 *atives who represents the district in which the*
14 *local educational agency operates.*

15 “(5) *The requirements of this subsection do not apply*
16 *to a local educational agency with respect to access to sec-*
17 *ondary school students or access to directory information*
18 *concerning such students during any period that there is*
19 *in effect a policy of the agency, established by majority vote*
20 *of the governing body of the agency, to deny access to the*
21 *students or to the directory information, respectively, for*
22 *military recruiting purposes.*

23 “(6) *In this subsection:*

24 “(A) *The term ‘local educational agency’ in-*
25 *cludes a private secondary educational institution.*

1 “(B) *The term ‘recruiting access’ means access*
2 *requested as described in paragraph (1).*

3 “(C) *The term ‘senior executive’ has the meaning*
4 *given that term in section 3132(a)(3) of title 5.*

5 “(D) *The term ‘State’ includes the District of*
6 *Columbia, American Samoa, the Federated States of*
7 *Micronesia, Guam, the Republic of the Marshall Is-*
8 *lands, the Commonwealth of the Northern Mariana*
9 *Islands, the Commonwealth of Puerto Rico, the Re-*
10 *public of Palau, and the United States Virgin Is-*
11 *lands.”.*

12 (b) *TECHNICAL AMENDMENTS.—Section 503 of title*
13 *10, United States Code, is amended—*

14 (1) *in subsection (a), by inserting “RECRUITING*
15 *CAMPAIGNS.—” after “(a)”;*

16 (2) *in subsection (b), by inserting “COMPILATION*
17 *OF DIRECTORY INFORMATION.—” after “(b)”;* and

18 (3) *in subsection (c), by inserting “ACCESS TO*
19 *SECONDARY SCHOOLS.—” after “(c)”.*

20 (c) *EFFECTIVE DATES.—(1) The amendment made by*
21 *subsection (a) shall take effect on July 1, 2002.*

22 (2) *The amendments made by subsection (b) shall take*
23 *effect on the date of the enactment of this Act.*

1 ***Subtitle E—Military Voting Rights***
2 ***Act of 2000***

3 ***SEC. 561. SHORT TITLE.***

4 *This subtitle may be cited as the “Military Voting*
5 *Rights Act of 2000”.*

6 ***SEC. 562. GUARANTEE OF RESIDENCY.***

7 *Article VII of the Soldiers’ and Sailors’ Civil Relief*
8 *Act of 1940 (50 U.S.C. 700 et seq.) is amended by adding*
9 *at the end the following:*

10 *“SEC. 704. (a) For purposes of voting for an office of*
11 *the United States or of a State, a person who is absent from*
12 *a State in compliance with military or naval orders shall*
13 *not, solely by reason of that absence—*

14 *“(1) be deemed to have lost a residence or domi-*
15 *cile in that State;*

16 *“(2) be deemed to have acquired a residence or*
17 *domicile in any other State; or*

18 *“(3) be deemed to have become resident in or a*
19 *resident of any other State.*

20 *“(b) In this section, the term ‘State’ includes a terri-*
21 *tory or possession of the United States, a political subdivi-*
22 *sion of a State, territory, or possession, and the District*
23 *of Columbia.”.*

1 **SEC. 563. STATE RESPONSIBILITY TO GUARANTEE MILI-**
 2 **TARY VOTING RIGHTS.**

3 (a) *REGISTRATION AND BALLOTING.*—Section 102 of
 4 the Uniformed and Overseas Absentee Voting Act (42 U.S.C.
 5 1973ff-1) is amended—

6 (1) by inserting “(a) *ELECTIONS FOR FEDERAL*
 7 *OFFICES.*—” before “Each State shall—”; and

8 (2) by adding at the end the following:

9 “(b) *ELECTIONS FOR STATE AND LOCAL OFFICES.*—
 10 Each State shall—

11 “(1) permit absent uniformed services voters to
 12 use absentee registration procedures and to vote by
 13 absentee ballot in general, special, primary, and run-
 14 off elections for State and local offices; and

15 “(2) accept and process, with respect to any elec-
 16 tion described in paragraph (1), any otherwise valid
 17 voter registration application from an absent uni-
 18 formed services voter if the application is received by
 19 the appropriate State election official not less than 30
 20 days before the election.”.

21 (b) *CONFORMING AMENDMENT.*—The heading for title
 22 I of such Act is amended by striking out “**FOR FED-**
 23 **ERAL OFFICE**”.

Subtitle F—Other Matters

***SEC. 571. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO
CERTAIN SPECIFIED PERSONS.***

(a) INAPPLICABILITY OF TIME LIMITATIONS.—Notwithstanding the time limitations in section 3744(b) of title 10, United States Code, or any other time limitation, the President may award the Medal of Honor under section 3741 of such title to the persons specified in subsection (b) for the acts specified in that subsection, the award of the Medal of Honor to such persons having been determined by the Secretary of the Army to be warranted in accordance with section 1130 of such title.

(b) PERSONS ELIGIBLE TO RECEIVE THE MEDAL OF HONOR.—The persons referred to in subsection (a) are the following:

(1) Ed W. Freeman, for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty on November 14, 1965, as flight leader and second-in-command of a helicopter lift unit at landing zone X-Ray in the Battle of the Ia Drang Valley, Republic of Vietnam, during the Vietnam War, while serving in the grade of Captain in Alpha Company, 229th Assault Helicopter Battalion, 101st Cavalry Division (Airmobile).

1 (2) *James K. Okubo, for conspicuous acts of gal-*
2 *lantry and intrepidity at the risk of his life and be-*
3 *yond the call of duty on October 28 and 29, and No-*
4 *vember 4, 1944, at Foret Domaniale de Champ, near*
5 *Biffontaine, France, during World War II, while serv-*
6 *ing as an Army medic in the grade of Technician*
7 *Fifth Grade in the medical detachment, 442d Regi-*
8 *mental Combat Team.*

9 (3) *Andrew J. Smith, for conspicuous acts of*
10 *gallantry and intrepidity at the risk of his life and*
11 *beyond the call of duty on November 30, 1864, in the*
12 *Battle of Honey Hill, South Carolina, during the*
13 *Civil War, while serving as a corporal in the 55th*
14 *Massachusetts Voluntary Infantry Regiment.*

15 (c) *POSTHUMOUS AWARD.—The Medal of Honor may*
16 *be awarded under this section posthumously, as provided*
17 *in section 3752 of title 10, United States Code.*

18 (d) *PRIOR AWARD.—The Medal of Honor may be*
19 *awarded under this section for service for which a Silver*
20 *Star, or other award, has been awarded.*

21 **SEC. 572. WAIVER OF TIME LIMITATIONS FOR AWARD OF**
22 **CERTAIN DECORATIONS TO CERTAIN PER-**
23 **SONS.**

24 (a) *WAIVER.—Any limitation established by law or*
25 *policy for the time within which a recommendation for the*

1 *award of a military decoration or award must be submitted*
2 *shall not apply to awards of decorations described in this*
3 *section, the award of each such decoration having been de-*
4 *termined by the Secretary concerned to be warranted in ac-*
5 *cordance with section 1130 of title 10, United States Code.*

6 (b) *SILVER STAR.*—Subsection (a) *applies to the*
7 *award of the Silver Star to Louis Rickler, of Rochester, New*
8 *York, for gallantry in action from August 18 to November*
9 *18, 1918, while serving as a member of the Army.*

10 (c) *DISTINGUISHED FLYING CROSS.*—Subsection (a)
11 *applies to the award of the Distinguished Flying Cross for*
12 *service during World War II or Korea (including multiple*
13 *awards to the same individual) in the case of each indi-*
14 *vidual concerning whom the Secretary of the Navy (or an*
15 *officer of the Navy acting on behalf of the Secretary) sub-*
16 *mitted to the Committee on Armed Services of the House*
17 *of Representatives and the Committee on Armed Services*
18 *of the Senate, during the period beginning on October 5,*
19 *1999, and ending on the day before the date of the enact-*
20 *ment of this Act, a notice as provided in section 1130(b)*
21 *of title 10, United States Code, that the award of the Distin-*
22 *guished Flying Cross to that individual is warranted and*
23 *that a waiver of time restrictions prescribed by law for rec-*
24 *ommendation for such award is recommended.*

1 **SEC. 573. INELIGIBILITY FOR INVOLUNTARY SEPARATION**
 2 **PAY UPON DECLINATION OF SELECTION FOR**
 3 **CONTINUATION ON ACTIVE DUTY.**

4 (a) *INELIGIBILITY.*—Section 1174(a)(1) of title 10,
 5 United States Code, is amended—

6 (1) by inserting “, 637(a)(4),” after “section
 7 630(1)(A)”;

8 (2) by inserting “(except under section
 9 580(e)(2))” after “section 580”.

10 (b) *EFFECTIVE DATE AND APPLICABILITY.*—The
 11 amendments made by subsection (a) shall take effect on Oc-
 12 tober 1, 2000, and shall apply with respect to discharges
 13 and retirements from active duty that take effect under sec-
 14 tion 580(e)(2) or 637(a)(4) of title 10, United States Code,
 15 on or after that date.

16 **SEC. 574. RECOGNITION BY STATES OF MILITARY TESTA-**
 17 **MENTARY INSTRUMENTS.**

18 (a) *IN GENERAL.*—Chapter 53 of title 10, United
 19 States Code, is amended by inserting after section 1044c
 20 the following new section:

21 **“§ 1044d. Military testamentary instruments: require-**
 22 **ment for recognition by States**

23 *“(a) TESTAMENTARY INSTRUMENTS TO BE GIVEN*
 24 *LEGAL EFFECT.*—A military testamentary instrument—

25 *“(1) is exempt from any requirement of form,*
 26 *formality, or recording before probate that is provided*

1 *for testamentary instruments under the laws of a*
2 *State; and*

3 “(2) *has the same legal effect as a testamentary*
4 *instrument prepared and executed in accordance with*
5 *the laws of the State in which it is presented for pro-*
6 *bate.*

7 “(b) *MILITARY TESTAMENTARY INSTRUMENTS.—For*
8 *purposes of this section, a military testamentary instru-*
9 *ment is an instrument that is prepared with testamentary*
10 *intent in accordance with regulations prescribed under this*
11 *section and that—*

12 “(1) *is executed in accordance with subsection*
13 *(c) by (or on behalf of) a person, as a testator, who*
14 *is eligible for military legal assistance;*

15 “(2) *makes a disposition of property of the tes-*
16 *tator; and*

17 “(3) *takes effect upon the death of the testator.*

18 “(c) *REQUIREMENTS FOR EXECUTION OF MILITARY*
19 *TESTAMENTARY INSTRUMENTS.—An instrument is valid as*
20 *a military testamentary instrument only if—*

21 “(1) *the instrument is executed by the testator*
22 *(or, if the testator is unable to execute the instrument*
23 *personally, the instrument is executed in the presence*
24 *of, by the direction of, and on behalf of the testator);*

1 “(2) *the instrument is executed in the presence*
2 *of a military legal assistance counsel acting as pre-*
3 *siding attorney;*

4 “(3) *the instrument is executed in the presence*
5 *of at least two disinterested witnesses (in addition to*
6 *the presiding attorney), each of whom attests to wit-*
7 *nessing the testator’s execution of the instrument by*
8 *signing it; and*

9 “(4) *the instrument is executed in accordance*
10 *with such additional requirements as may be pro-*
11 *vided in regulations prescribed under this section.*

12 “(d) *SELF-PROVING MILITARY TESTAMENTARY IN-*
13 *STRUMENTS.—(1) If the document setting forth a military*
14 *testamentary instrument meets the requirements of para-*
15 *graph (2), then the signature of a person on the document*
16 *as the testator, an attesting witness, a notary, or the pre-*
17 *siding attorney, together with a written representation of*
18 *the person’s status as such and the person’s military grade*
19 *(if any) or other title, is prima facie evidence of the fol-*
20 *lowing:*

21 “(A) *That the signature is genuine.*

22 “(B) *That the signatory had the represented sta-*
23 *tus and title at the time of the execution of the will.*

1 “(C) *That the signature was executed in compli-*
2 *ance with the procedures required under the regula-*
3 *tions prescribed under subsection (f).*

4 “(2) *A document setting forth a military testamentary*
5 *instrument meets the requirements of this paragraph if it*
6 *includes (or has attached to it), in a form and content re-*
7 *quired under the regulations prescribed under subsection*
8 *(f), each of the following:*

9 “(A) *A certificate, executed by the testator, that*
10 *includes the testator’s acknowledgment of the testa-*
11 *mentary instrument.*

12 “(B) *An affidavit, executed by each witness sign-*
13 *ing the testamentary instrument, that attests to the*
14 *circumstances under which the testamentary instru-*
15 *ment was executed.*

16 “(C) *A notarization, including a certificate of*
17 *any administration of an oath required under the*
18 *regulations, that is signed by the notary or other offi-*
19 *cial administering the oath.*

20 “(e) *STATEMENT TO BE INCLUDED.—(1) Under regu-*
21 *lations prescribed under this section, each military testa-*
22 *mentary instrument shall contain a statement that sets*
23 *forth the provisions of subsection (a).*

24 “(2) *Paragraph (1) shall not be construed to make in-*
25 *applicable the provisions of subsection (a) to a testamentary*

1 *instrument that does not include a statement described in*
2 *that paragraph.*

3 “(f) *REGULATIONS.*—*Regulations for the purposes of*
4 *this section shall be prescribed jointly by the Secretary of*
5 *Defense and by the Secretary of Transportation with respect*
6 *to the Coast Guard when it is not operating as a service*
7 *in the Department of the Navy.*

8 “(g) *DEFINITIONS.*—*In this section:*

9 “(1) *The term ‘person eligible for military legal*
10 *assistance’ means a person who is eligible for legal as-*
11 *sistance under section 1044 of this title.*

12 “(2) *The term ‘military legal assistance counsel’*
13 *means—*

14 “(A) *a judge advocate (as defined in section*
15 *801(13) of this title); or*

16 “(B) *a civilian attorney serving as a legal*
17 *assistance officer under the provisions of section*
18 *1044 of this title.*

19 “(3) *The term ‘State’ includes the District of Co-*
20 *lumbia, the Commonwealth of Puerto Rico, the Com-*
21 *monwealth of the Northern Mariana Islands, and*
22 *each possession of the United States.”.*

23 “(b) *CLERICAL AMENDMENT.*—*The table of sections at*
24 *the beginning of such chapter is amended by inserting after*
25 *the item relating to section 1044c the following new item:*

“1044d. Military testamentary instruments: requirement for recognition by States.”.

1 **SEC. 575. SENSE OF CONGRESS ON THE COURT-MARTIAL**
2 **CONVICTION OF CAPTAIN CHARLES BUTLER**
3 **McVAY, COMMANDER OF THE U.S.S. INDIANAP-**
4 **OLIS, AND ON THE COURAGEOUS SERVICE OF**
5 **ITS CREW.**

6 *(a) FINDINGS.—Congress makes the following findings:*

7 *(1) Shortly after midnight on the morning of*
8 *July 30, 1945, the United States Navy heavy cruiser*
9 *U.S.S. Indianapolis (CA-35) was torpedoed and sunk*
10 *by the Japanese submarine I-58 in what became the*
11 *worst sea disaster in the history of the United States*
12 *Navy.*

13 *(2) Although approximately 900 of the ship's*
14 *crew of 1,196 survived the actual sinking, only 316 of*
15 *those courageous sailors survived when rescued after*
16 *four and a half days adrift in the open sea.*

17 *(3) Nearly 600 of the approximately 900 men*
18 *who survived the sinking perished from battle wounds,*
19 *drowning, predatory shark attacks, exposure to the*
20 *elements, and lack of food and potable water.*

21 *(4) Rescue came for the remaining 316 sailors*
22 *when they were spotted by chance by Navy Lieutenant*
23 *Wilbur C. Gwinn while flying a routine naval air pa-*
24 *trol mission.*

1 (5) *After the end of World War II, the com-*
2 *manding officer of the U.S.S. Indianapolis, Captain*
3 *Charles Butler McVay, who was rescued with the*
4 *other survivors, was court-martialed for “suffering a*
5 *vessel to be hazarded through negligence” by failing to*
6 *zigzag (a naval tactic employed to help evade sub-*
7 *marine attacks), and was convicted even though—*

8 *(A) the choice to zigzag was left to Captain*
9 *McVay’s discretion in his orders; and*

10 *(B) Motchisura Hashimoto, the commander*
11 *of the Japanese submarine that sank the U.S.S.*
12 *Indianapolis, and Glynn R. Donaho, a United*
13 *States Navy submarine commander highly deco-*
14 *rated for his service during World War II, both*
15 *testified at Captain McVay’s court-martial trial*
16 *that the Japanese submarine could have sunk the*
17 *U.S.S. Indianapolis whether or not it had been*
18 *zigzagging, an assertion that the Japanese sub-*
19 *marine commander has since reaffirmed in a let-*
20 *ter to the Chairman of the Committee on Armed*
21 *Services of the Senate.*

22 (6) *Although not argued by Captain McVay’s de-*
23 *fense counsel in the court-martial trial, poor visibility*
24 *on the night of the sinking (as attested in surviving*
25 *crew members’ handwritten accounts recently discov-*

1 *ered at the National Archives) justified Captain*
2 *McVay's choice not to zigzag as that choice was con-*
3 *sistent with the applicable Navy directives in force in*
4 *1945, which stated that, "During thick weather and*
5 *at night, except on very clear nights or during bright*
6 *moonlight, vessels normally cease zig-zagging."*

7 *(7) Naval officials failed to provide Captain*
8 *McVay with available support that was critical to the*
9 *safety of the U.S.S. Indianapolis and its crew on*
10 *what became its final mission by—*

11 *(A) disapproving a request made by Cap-*
12 *tain McVay for a destroyer escort for the U.S.S.*
13 *Indianapolis across the Philippine Sea as being*
14 *"not necessary";*

15 *(B) not informing Captain McVay that*
16 *naval intelligence sources, through signal intel-*
17 *ligence (the Japanese code having been broken*
18 *earlier in World War II), had become aware that*
19 *the Japanese submarine I-58 was operating in*
20 *the area of the U.S.S. Indianapolis' course (as*
21 *disclosed in evidence presented in a hearing of*
22 *the Committee on Armed Services of the Senate);*
23 *and*

24 *(C) not informing Captain McVay of the*
25 *sinking of the destroyer escort U.S.S. Underhill*

1 *by a Japanese submarine within range of the*
2 *course of the U.S.S. Indianapolis four days be-*
3 *fore the U.S.S. Indianapolis departed Guam on*
4 *its fatal voyage.*

5 *(8) Captain McVay's court-martial initially was*
6 *opposed by his immediate command superiors, Fleet*
7 *Admiral Chester Nimitz (CINCPAC) and Vice Admi-*
8 *ral Raymond Spruance of the 5th fleet, for which the*
9 *U.S.S. Indianapolis served as flagship, but, despite*
10 *their recommendations, Secretary of the Navy James*
11 *Forrestal ordered the court-martial, largely on the*
12 *basis of the recommendation of Admiral King, Chief*
13 *of Naval Operations.*

14 *(9) There is no explanation on the public record*
15 *for Secretary Forrestal's overruling of the rec-*
16 *ommendations made by Admirals Nimitz and*
17 *Spruance.*

18 *(10) Captain McVay was the only commander of*
19 *a United States Navy vessel lost in combat to enemy*
20 *action during World War II who was subjected to a*
21 *court-martial trial for such a loss, even though several*
22 *hundred United States Navy ships were lost in com-*
23 *bat to enemy action during World War II.*

24 *(11) The survivors of the U.S.S. Indianapolis*
25 *overwhelmingly conclude that McVay was not at fault*

1 *and have dedicated their lives to vindicating their*
2 *Captain, Charles McVay, but time is running out for*
3 *the 130 remaining members of the crew in their*
4 *united and steadfast quest to clear their Captain's*
5 *name.*

6 *(12) Although Captain McVay was promoted to*
7 *Rear Admiral upon retirement from the Navy, he*
8 *never recovered from the stigma of his post-war court-*
9 *martial and in 1968, tragically, took his own life.*

10 *(13) Captain McVay was a graduate of the*
11 *United States Naval Academy, was an exemplary ca-*
12 *reer naval officer with an outstanding record (includ-*
13 *ing participation in the amphibious invasions of*
14 *North Africa, the assault on Iwo Jima, and the as-*
15 *sault on Okinawa where he survived a fierce kamikaze*
16 *attack), was a recipient of the Silver Star earned for*
17 *courage under fire during the Solomon Islands cam-*
18 *paign, and, with his crew, had so thoroughly dem-*
19 *onstrated proficiency in naval warfare that the Navy*
20 *entrusted Captain McVay and the crew with trans-*
21 *porting, on their fatal cruise, the components nec-*
22 *essary for assembling the atomic bombs that were ex-*
23 *ploded over Hiroshima and Nagasaki to end the war*
24 *with Japan.*

1 (b) *SENSE OF CONGRESS.—(1) It is the sense of Con-*
2 *gress, on the basis of the facts presented in a public hearing*
3 *conducted by the Committee on Armed Services of the Sen-*
4 *ate on September 14, 1999, including evidence not available*
5 *at the time of Captain Charles Butler McVay’s court-mar-*
6 *tial, and on the basis of extensive interviews and ques-*
7 *tioning of witnesses and knowledgeable officials and a re-*
8 *view of the record of the court-martial for and in that hear-*
9 *ing, that—*

10 (A) *recognizing that the Secretary of the Navy*
11 *remitted the sentence of the court-martial and that*
12 *Admiral Nimitz, as Chief of Naval Operations, re-*
13 *stored Captain McVay to active duty, the American*
14 *people should now recognize Captain McVay’s lack of*
15 *culpability for the tragic loss of the U.S.S. Indianap-*
16 *olis and the lives of the men who died as a result of*
17 *her sinking; and*

18 (B) *knowing that vital information was not*
19 *available to the court-martial board and that, as a re-*
20 *sult, Captain McVay was convicted, Captain McVay’s*
21 *military record should now reflect that he is exoner-*
22 *ated for the loss of the ship and its crew.*

23 (2) *It is, further, the sense of Congress that Congress*
24 *strongly encourages the Secretary of the Navy to award a*

1 *Navy Unit Commendation to the U.S.S. Indianapolis and*
2 *its final crew.*

3 **SEC. 576. SENIOR OFFICERS IN COMMAND IN HAWAII ON**
4 **DECEMBER 7, 1941.**

5 *(a) FINDINGS.—Congress makes the following findings:*

6 *(1) Rear Admiral Husband E. Kimmel, formerly*
7 *the Commander in Chief of the United States Fleet*
8 *and the Commander in Chief, United States Pacific*
9 *Fleet, had an excellent and unassailable record*
10 *throughout his career in the United States Navy prior*
11 *to the December 7, 1941, attack on Pearl Harbor.*

12 *(2) Major General Walter C. Short, formerly the*
13 *Commander of the United States Army Hawaiian*
14 *Department, had an excellent and unassailable record*
15 *throughout his career in the United States Army*
16 *prior to the December 7, 1941, attack on Pearl Har-*
17 *bor.*

18 *(3) Numerous investigations following the attack*
19 *on Pearl Harbor have documented that Admiral Kim-*
20 *mel and Lieutenant General Short were not provided*
21 *necessary and critical intelligence that was available,*
22 *that foretold of war with Japan, that warned of im-*
23 *minent attack, and that would have alerted them to*
24 *prepare for the attack, including such essential com-*
25 *muniques as the Japanese Pearl Harbor Bomb Plot*

1 *message of September 24, 1941, and the message sent*
2 *from the Imperial Japanese Foreign Ministry to the*
3 *Japanese Ambassador in the United States from De-*
4 *cember 6 to 7, 1941, known as the Fourteen-Part Mes-*
5 *sage.*

6 *(4) On December 16, 1941, Admiral Kimmel and*
7 *Lieutenant General Short were relieved of their com-*
8 *mands and returned to their permanent ranks of rear*
9 *admiral and major general.*

10 *(5) Admiral William Harrison Standley, who*
11 *served as a member of the investigating commission*
12 *known as the Roberts Commission that accused Admi-*
13 *ral Kimmel and Lieutenant General Short of “dere-*
14 *liction of duty” only six weeks after the attack on*
15 *Pearl Harbor, later disavowed the report maintaining*
16 *that “these two officers were martyred” and “if they*
17 *had been brought to trial, both would have been*
18 *cleared of the charge”.*

19 *(6) On October 19, 1944, a Naval Court of In-*
20 *quiry exonerated Admiral Kimmel on the grounds*
21 *that his military decisions and the disposition of his*
22 *forces at the time of the December 7, 1941, attack on*
23 *Pearl Harbor were proper “by virtue of the informa-*
24 *tion that Admiral Kimmel had at hand which indi-*
25 *cated neither the probability nor the imminence of an*

1 *air attack on Pearl Harbor*"; criticized the higher
2 *command for not sharing with Admiral Kimmel*
3 *"during the very critical period of November 26 to*
4 *December 7, 1941, important information . . . re-*
5 *garding the Japanese situation*"; and, concluded that
6 *the Japanese attack and its outcome was attributable*
7 *to no serious fault on the part of anyone in the naval*
8 *service.*

9 (7) *On June 15, 1944, an investigation con-*
10 *ducted by Admiral T. C. Hart at the direction of the*
11 *Secretary of the Navy produced evidence, subsequently*
12 *confirmed, that essential intelligence concerning Jap-*
13 *anese intentions and war plans was available in*
14 *Washington but was not shared with Admiral Kim-*
15 *mel.*

16 (8) *On October 20, 1944, the Army Pearl Harbor*
17 *Board of Investigation determined that Lieutenant*
18 *General Short had not been kept "fully advised of the*
19 *growing tenseness of the Japanese situation which in-*
20 *dicated an increasing necessity for better preparation*
21 *for war"; detailed information and intelligence about*
22 *Japanese intentions and war plans were available in*
23 *"abundance" but were not shared with the General*
24 *Short's Hawaii command; and General Short was not*
25 *provided "on the evening of December 6th and the*

1 *early morning of December 7th, the critical informa-*
2 *tion indicating an almost immediate break with*
3 *Japan, though there was ample time to have accom-*
4 *plished this”.*

5 *(9) The reports by both the Naval Court of In-*
6 *quiry and the Army Pearl Harbor Board of Inves-*
7 *tigation were kept secret, and Rear Admiral Kimmel*
8 *and Major General Short were denied their requests*
9 *to defend themselves through trial by court-martial.*

10 *(10) The joint committee of Congress that was es-*
11 *tablished to investigate the conduct of Admiral Kim-*
12 *mel and Lieutenant General Short completed, on May*
13 *31, 1946, a 1,075-page report which included the con-*
14 *clusions of the committee that the two officers had not*
15 *been guilty of dereliction of duty.*

16 *(11) The then Chief of Naval Personnel, Admiral*
17 *J. L. Holloway, Jr., on April 27, 1954, recommended*
18 *that Admiral Kimmel be advanced in rank in accord-*
19 *ance with the provisions of the Officer Personnel Act*
20 *of 1947.*

21 *(12) On November 13, 1991, a majority of the*
22 *members of the Board for the Correction of Military*
23 *Records of the Department of the Army found that*
24 *Lieutenant General Short “was unjustly held respon-*
25 *sible for the Pearl Harbor disaster” and that “it*

1 *would be equitable and just” to advance him to the*
2 *rank of lieutenant general on the retired list.*

3 *(13) In October 1994, the then Chief of Naval*
4 *Operations, Admiral Carlisle Trost, withdrew his*
5 *1988 recommendation against the advancement of Ad-*
6 *miral Kimmel and recommended that the case of Ad-*
7 *miral Kimmel be reopened.*

8 *(14) Although the Dorn Report, a report on the*
9 *results of a Department of Defense study that was*
10 *issued on December 15, 1995, did not provide support*
11 *for an advancement of Rear Admiral Kimmel or*
12 *Major General Short in grade, it did set forth as a*
13 *conclusion of the study that “responsibility for the*
14 *Pearl Harbor disaster should not fall solely on the*
15 *shoulders of Admiral Kimmel and Lieutenant General*
16 *Short, it should be broadly shared”.*

17 *(15) The Dorn Report found that “Army and*
18 *Navy officials in Washington were privy to inter-*
19 *cepted Japanese diplomatic communications . . .*
20 *which provided crucial confirmation of the immi-*
21 *nence of war”; that “the evidence of the handling of*
22 *these messages in Washington reveals some ineptitude,*
23 *some unwarranted assumptions and misestimations,*
24 *limited coordination, ambiguous language, and lack*
25 *of clarification and followup at higher levels”; and,*

1 that “together, these characteristics resulted in failure
2 . . . to appreciate fully and to convey to the com-
3 manders in Hawaii the sense of focus and urgency
4 that these intercepts should have engendered”.

5 (16) On July 21, 1997, Vice Admiral David C.
6 Richardson (United States Navy, retired) responded
7 to the Dorn Report with his own study which con-
8 firmed findings of the Naval Court of Inquiry and the
9 Army Pearl Harbor Board of Investigation and estab-
10 lished, among other facts, that the war effort in 1941
11 was undermined by a restrictive intelligence distribu-
12 tion policy, and the degree to which the commanders
13 of the United States forces in Hawaii were not alerted
14 about the impending attack on Hawaii was directly
15 attributable to the withholding of intelligence from
16 Admiral Kimmel and Lieutenant General Short.

17 (17) The Officer Personnel Act of 1947, in estab-
18 lishing a promotion system for the Navy and the
19 Army, provided a legal basis for the President to
20 honor any officer of the Armed Forces of the United
21 States who served his country as a senior commander
22 during World War II with a placement of that officer,
23 with the advice and consent of the Senate, on the re-
24 tired list with the highest grade held while on the ac-
25 tive duty list.

1 (18) *Rear Admiral Kimmel and Major General*
2 *Short are the only two eligible officers from World*
3 *War II who were excluded from the list of retired offi-*
4 *cers presented for advancement on the retired lists to*
5 *their highest wartime ranks under the terms of the Of-*
6 *ficer Personnel Act of 1947.*

7 (19) *This singular exclusion from advancement*
8 *on the retired list serves only to perpetuate the myth*
9 *that the senior commanders in Hawaii were derelict*
10 *in their duty and responsible for the success of the at-*
11 *tack on Pearl Harbor, a distinct and unacceptable ex-*
12 *pression of dishonor toward two of the finest officers*
13 *who have served in the Armed Forces of the United*
14 *States.*

15 (20) *Major General Walter Short died on Sep-*
16 *tember 23, 1949, and Rear Admiral Husband Kim-*
17 *mel died on May 14, 1968, without the honor of hav-*
18 *ing been returned to their wartime ranks as were*
19 *their fellow veterans of World War II.*

20 (21) *The Veterans of Foreign Wars, the Pearl*
21 *Harbor Survivors Association, the Admiral Nimitz*
22 *Foundation, the Naval Academy Alumni Association,*
23 *the Retired Officers Association, and the Pearl Har-*
24 *bor Commemorative Committee, and other associa-*
25 *tions and numerous retired military officers have*

1 *called for the rehabilitation of the reputations and*
 2 *honor of Admiral Kimmel and Lieutenant General*
 3 *Short through their posthumous advancement on the*
 4 *retired lists to their highest wartime grades.*

5 ***(b) ADVANCEMENT OF REAR ADMIRAL KIMMEL AND***
 6 ***MAJOR GENERAL SHORT ON RETIRED LISTS.—(1) The***
 7 ***President is requested—***

8 ***(A) to advance the late Rear Admiral Husband***
 9 ***E. Kimmel to the grade of admiral on the retired list***
 10 ***of the Navy; and***

11 ***(B) to advance the late Major General Walter C.***
 12 ***Short to the grade of lieutenant general on the retired***
 13 ***list of the Army.***

14 ***(2) Any advancement in grade on a retired list re-***
 15 ***quested under paragraph (1) shall not increase or change***
 16 ***the compensation or benefits from the United States to***
 17 ***which any person is now or may in the future be entitled***
 18 ***based upon the military service of the officer advanced.***

19 ***(c) SENSE OF CONGRESS REGARDING THE PROFES-***
 20 ***SIONAL PERFORMANCE OF ADMIRAL KIMMEL AND LIEU-***
 21 ***TENANT GENERAL SHORT.—It is the sense of Congress***
 22 ***that—***

23 ***(1) the late Rear Admiral Husband E. Kimmel***
 24 ***performed his duties as Commander in Chief, United***
 25 ***States Pacific Fleet, competently and professionally,***

1 *and, therefore, the losses incurred by the United*
 2 *States in the attacks on the naval base at Pearl Har-*
 3 *bor, Hawaii, and other targets on the island of Oahu,*
 4 *Hawaii, on December 7, 1941, were not a result of*
 5 *derelection in the performance of those duties by the*
 6 *then Admiral Kimmel; and*

7 *(2) the late Major General Walter C. Short per-*
 8 *formed his duties as Commanding General, Hawaiian*
 9 *Department, competently and professionally, and,*
 10 *therefore, the losses incurred by the United States in*
 11 *the attacks on Hickam Army Air Field and Schofield*
 12 *Barracks, Hawaii, and other targets on the island of*
 13 *Oahu, Hawaii, on December 7, 1941, were not a re-*
 14 *sult of derelection in the performance of those duties*
 15 *by the then Lieutenant General Short.*

16 **SEC. 577. VERBATIM RECORDS IN SPECIAL COURTS-MAR-**
 17 **TIAL.**

18 *(a) WHEN REQUIRED.—Subsection (c)(1)(B) of section*
 19 *854 of title 10, United States Code (article 54 of the Uni-*
 20 *form Code of Military Justice), is amended by inserting*
 21 *after “bad-conduct discharge” the following: “, confinement*
 22 *for more than six months, or forfeiture of pay for more than*
 23 *six months”.*

24 *(b) RETROACTIVE EFFECTIVE DATE.—The amendment*
 25 *made by subsection (a) shall take effect as of April 1, 2000,*

1 *and shall apply with respect to charges referred on or after*
 2 *that date to trial by special courts-martial.*

3 **SEC. 578. MANAGEMENT AND PER DIEM REQUIREMENTS**
 4 **FOR MEMBERS SUBJECT TO LENGTHY OR NU-**
 5 **MEROUS DEPLOYMENTS.**

6 *(a) MANAGEMENT OF DEPLOYMENTS OF MEMBERS.—*
 7 *Section 586(a) of the National Defense Authorization Act*
 8 *for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 637)*
 9 *is amended in the text of section 991 of title 10, United*
 10 *States Code, set forth in such section 586(a)—*

11 *(1) in subsection (a), by striking “an officer in*
 12 *the grade of general or admiral” in the second sen-*
 13 *tence and inserting “the designated component com-*
 14 *mander for the member’s armed force”; and*

15 *(2) in subsection (b)—*

16 *(A) in paragraph (1), by inserting “or*
 17 *homeport, as the case may” before the period at*
 18 *the end;*

19 *(B) by redesignating paragraphs (2) and*
 20 *(3) as paragraphs (3) and (4), respectively;*

21 *(C) by inserting after paragraph (1) the fol-*
 22 *lowing new paragraph (2):*

23 *“(2) In the case of a member of a reserve component*
 24 *performing active service, the member shall be considered*
 25 *deployed or in a deployment for the purposes of paragraph*

1 *(1) on any day on which, pursuant to orders that do not*
2 *establish a permanent change of station, the member is per-*
3 *forming the active service at a location that—*

4 *“(A) is not the member’s permanent training*
5 *site; and*

6 *“(B) is—*

7 *“(i) at least 100 miles from the member’s*
8 *permanent residence; or*

9 *“(ii) a lesser distance from the member’s*
10 *permanent residence that, under the cir-*
11 *cumstances applicable to the member’s travel, is*
12 *a distance that requires at least three hours of*
13 *travel to traverse.”; and*

14 *(D) in paragraph (3), as redesignated by*
15 *subparagraph (B) of this paragraph—*

16 *(i) by striking “or” at the end of sub-*
17 *paragraph (A);*

18 *(ii) by striking the period at the end of*
19 *subparagraph (B) and inserting “; or”; and*

20 *(iii) by adding at the end the fol-*
21 *lowing:*

22 *“(C) unavailable solely because of—*

23 *“(i) a hospitalization of the member at the*
24 *member’s permanent duty station or homeport or*

1 *in the immediate vicinity of the member's per-*
2 *manent residence; or*

3 “(ii) a disciplinary action taken against the
4 member.”.

5 (b) *ASSOCIATED PER DIEM ALLOWANCE.*—Section
6 586(b) of that Act (113 Stat. 638) is amended in the text
7 of section 435 of title 37, United States Code, set forth in
8 such section 586(b)—

9 (1) in subsection (a), by striking “251 days or
10 more out of the preceding 365 days” and inserting
11 “501 or more days out of the preceding 730 days”;
12 and

13 (2) in subsection (b), by striking “prescribed
14 under paragraph (3)” and inserting “prescribed
15 under paragraph (4)”.

16 (c) *REVIEW OF MANAGEMENT OF DEPLOYMENTS OF*
17 *INDIVIDUAL MEMBERS.*— Not later than March 31, 2002,
18 the Secretary of Defense shall submit to the Committees on
19 Armed Services of the Senate and the House of Representa-
20 tives a report on the administration of section 991 of title
21 10, United States Code (as added by section 586(a) of the
22 National Defense Authorization Act for Fiscal Year 2000),
23 during the first year that such section 991 is in effect. The
24 report shall include—

1 (1) *a discussion of the experience in tracking*
2 *and recording the deployments of members of the*
3 *Armed Forces; and*

4 (2) *any recommendations for revision of such*
5 *section 991 that the Secretary considers appropriate.*

6 **SEC. 579. EXTENSION OF TRICARE MANAGED CARE SUP-**
7 **PORT CONTRACTS.**

8 (a) *AUTHORITY.*—*Notwithstanding any other provi-*
9 *sion of law, the TRICARE managed care support contracts*
10 *in effect, or in final stages of acquisition as of September*
11 *30, 1999, may be extended for four years, subject to sub-*
12 *section (b).*

13 (b) *CONDITIONS.*—*Any extension of a contract under*
14 *paragraph (1)—*

15 (1) *may be made only if the Secretary of Defense*
16 *determines that it is in the best interest of the Gov-*
17 *ernment to do so; and*

18 (2) *shall be based on the price in the final best*
19 *and final offer for the last year of the existing con-*
20 *tract as adjusted for inflation and other factors mutu-*
21 *ally agreed to by the contractor and the Government.*

1 **SEC. 580. PREPARATION, PARTICIPATION, AND CONDUCT**
2 **OF ATHLETIC COMPETITIONS AND SMALL**
3 **ARMS COMPETITIONS BY THE NATIONAL**
4 **GUARD AND MEMBERS OF THE NATIONAL**
5 **GUARD.**

6 (a) *PREPARATION AND PARTICIPATION OF MEMBERS*
7 *GENERALLY.*—Subsection (a) of section 504 of title 32,
8 *United States Code*, is amended—

9 (1) by striking “or” at the end of paragraph (2);

10 (2) in paragraph (3)—

11 (A) by inserting “prepare for and” before
12 “participate”; and

13 (B) by striking the period at the end and
14 inserting “; or”; and

15 (3) by adding at the end the following:

16 “(4) prepare for and participate in qualifying
17 athletic competitions.”.

18 (b) *CONDUCT OF COMPETITIONS.*—That section is fur-
19 ther amended by adding at the end the following new sub-
20 section:

21 “(c)(1) *Units of the National Guard may conduct*
22 *small arms competitions and athletic competitions in con-*
23 *junction with training required under this chapter if such*
24 *activities would meet the requirements set forth in para-*
25 *graphs (1), (3), and (4) of section 508(a) of this title if*

1 *such activities were services to be provided under that sec-*
2 *tion.*

3 “(2) *Facilities and equipment of the National Guard,*
4 *including military property and vehicles described in sec-*
5 *tion 508(c) of this title, may be used in connection with*
6 *activities under paragraph (1).”.*

7 (c) *AVAILABILITY OF FUNDS.—That section is further*
8 *amended by adding at the end the following new subsection:*

9 “(d) *Subject to provisions of appropriations Acts,*
10 *amounts appropriated for the National Guard may be used*
11 *in order to cover the costs of activities under subsection (c)*
12 *and of expenses of members of the National Guard under*
13 *paragraphs (3) and (4) of subsection (a), including expenses*
14 *of attendance and participation fees, travel, per diem, cloth-*
15 *ing, equipment, and related expenses.”.*

16 (d) *QUALIFYING ATHLETIC COMPETITIONS DE-*
17 *FINED.—That section is further amended by adding at the*
18 *end the following new subsection:*

19 “(e) *In this section, the term ‘qualifying athletic com-*
20 *petition’ means a competition in athletic events that require*
21 *skills relevant to military duties or involve aspects of phys-*
22 *ical fitness that are evaluated by the armed forces in deter-*
23 *mining whether a member of the National Guard is fit for*
24 *military duty.”.*

1 (e) *CONFORMING AND CLERICAL AMENDMENTS.*—(1)
 2 *The section heading of such section is amended to read as*
 3 *follows:*

4 **“§ 504. National Guard schools; small arms competi-**
 5 **tions; athletic competitions”.**

6 (2) *The table of sections at the beginning of chapter*
 7 *5 of that title is amended by striking the item relating to*
 8 *section 504 and inserting the following new item:*

 “504. National Guard schools; small arms competitions; athletic competitions.”.

9 **TITLE VI—COMPENSATION AND**
 10 **OTHER PERSONNEL BENEFITS**
 11 **Subtitle A—Pay and Allowances**

12 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2001.**

13 (a) *WAIVER OF SECTION 1009 ADJUSTMENT.*—*The ad-*
 14 *justment to become effective during fiscal year 2001 re-*
 15 *quired by section 1009 of title 37, United States Code, in*
 16 *the rates of monthly basic pay authorized members of the*
 17 *uniformed services shall not be made.*

18 (b) *INCREASE IN BASIC PAY.*—*Effective on January*
 19 *1, 2001, the rates of monthly basic pay for members of the*
 20 *uniformed services are increased by 3.7 percent.*

21 **SEC. 602. CORRECTIONS FOR BASIC PAY TABLES.**

22 *Section 601(c) of the National Defense Authorization*
 23 *Act for Fiscal Year 2000 (Public Law 106–65) is*
 24 *amended—*

1 (1) in footnote 2 under the first table (113 Stat.
2 646), relating to commissioned officers, by striking
3 “\$12,441.00” and inserting “\$12,488.70”; and

4 (2) in footnote 2 under the fourth table (113
5 Stat. 648), relating to enlisted members, by striking
6 “\$4,701.00” and inserting “\$4,719.00”.

7 **SEC. 603. PAY IN LIEU OF ALLOWANCE FOR FUNERAL HON-**
8 **ORS DUTY.**

9 (a) *COMPENSATION AT RATE FOR INACTIVE-DUTY*
10 *TRAINING.*—(1) Section 115(b)(2) of title 32, United States
11 Code, is amended to read as follows:

12 “(2) as directed by the Secretary concerned,
13 either—

14 “(A) the allowance under section 435 of title
15 37; or

16 “(B) compensation under section 206 of
17 title 37.”.

18 (2) Section 12503(b)(2) of title 10, United States Code,
19 is amended to read as follows:

20 “(2) as directed by the Secretary concerned,
21 either—

22 “(A) the allowance under section 435 of title
23 37; or

24 “(B) compensation under section 206 of
25 title 37.”.

1 (b) *CONFORMING REPEAL*.—Section 435 of title 37,
2 United States Code, is amended by striking subsection (c).

3 (c) *EFFECTIVE DATE*.—This section and the amend-
4 ments made by this section shall take effect on October 1,
5 2000, and shall apply with respect to months beginning on
6 or after that date.

7 **SEC. 604. CLARIFICATION OF SERVICE EXCLUDED IN COM-**
8 **PUTATION OF CREDITABLE SERVICE AS A MA-**
9 **RINE CORPS OFFICER.**

10 (a) *SERVICE AS RESERVE ENLISTED MEMBER IN PLA-*
11 *TOON LEADERS CLASS*.—Section 205(f) of title 37, United
12 States Code, is amended by striking “that the officer per-
13 formed concurrently as a member” and inserting “that the
14 officer performed concurrently as an enlisted member”.

15 (b) *CORRECTION OF REFERENCE*.—Such section 205(f)
16 is further amended by striking “section 12209” and insert-
17 ing “section 12203”.

18 **SEC. 605. CALCULATION OF BASIC ALLOWANCE FOR HOUS-**
19 **ING.**

20 (a) *RATES*.—Subsection (b) of section 403 of title 37,
21 United States Code, is amended—

22 (1) by striking paragraph (2);

23 (2) by redesignating paragraph (1) as para-
24 graph (2);

1 (3) by inserting after “(b) BASIC ALLOWANCE
2 FOR HOUSING INSIDE THE UNITED STATES.—” the
3 following: “(1) The Secretary of Defense shall pre-
4 scribe the rates of the basic allowance for housing that
5 are applicable for the various military housing areas
6 in the United States. The rates for an area shall be
7 based on the costs of adequate housing determined for
8 the area under paragraph (2).”; and

9 (4) in paragraph (6), by striking “, changes in
10 the national average monthly cost of housing,”.

11 (b) REPEAL OF LIMITATION ON TOTAL PAYMENTS.—
12 Subsection (b) of such section is further amended—

13 (1) by striking paragraphs (3) and (5); and

14 (2) by redesignating paragraphs (4), (6), and (7)
15 as paragraphs (3), (4), and (5), respectively.

16 **SEC. 606. ELIGIBILITY OF MEMBERS IN GRADE E-4 TO RE-**
17 **CEIVE BASIC ALLOWANCE FOR HOUSING**
18 **WHILE ON SEA DUTY.**

19 (a) PAYMENT AUTHORIZED.—Subsection (f)(2)(B) of
20 section 403 of title 37, United States Code, is amended—

21 (1) by striking “E-5” in the first sentence and
22 inserting “E-4 or E-5”; and

23 (2) by striking “grade E-5” in the second sen-
24 tence and inserting “grades E-4 and E-5”.

1 (b) *CONFORMING AMENDMENT.*—*Subsection (m)(1)(B)*
 2 *of such section is amended by striking “E–4” and inserting*
 3 *“E–3”.*

4 **SEC. 607. PERSONAL MONEY ALLOWANCE FOR THE SENIOR**
 5 **ENLISTED MEMBERS OF THE ARMED FORCES.**

6 (a) *AUTHORITY.*—*Section 414 of title 37, United*
 7 *States Code, is amended by adding at the end the following:*
 8 “(c) *In addition to other pay or allowances authorized*
 9 *by this title, a noncommissioned officer is entitled to a per-*
 10 *sonal money allowance of \$2,000 a year while serving as*
 11 *the Sergeant Major of the Army, the Master Chief Petty Of-*
 12 *ficer of the Navy, the Chief Master Sergeant of the Air*
 13 *Force, the Sergeant Major of the Marine Corps, or the Mas-*
 14 *ter Chief Petty Officer of the Coast Guard.”.*

15 (b) *EFFECTIVE DATE.*—*This section and the amend-*
 16 *ment made by this section shall take effect on October 1,*
 17 *2000.*

18 **SEC. 608. INCREASED UNIFORM ALLOWANCES FOR OFFI-**
 19 **CERS.**

20 (a) *INITIAL ALLOWANCE.*—*Section 415(a) of title 37,*
 21 *United States Code, is amended by striking “\$200” and in-*
 22 *serting “\$400”.*

23 (b) *ADDITIONAL ALLOWANCE.*—*Section 416(a) of such*
 24 *title is amended by striking “\$100” and inserting “\$200”.*

1 (c) *EFFECTIVE DATE.*—*This section and the amend-*
 2 *ments made by this section shall take effect on October 1,*
 3 *2000.*

4 **SEC. 609. CABINET-LEVEL AUTHORITY TO PRESCRIBE RE-**
 5 **QUIREMENTS AND ALLOWANCE FOR CLOTH-**
 6 **ING OF ENLISTED MEMBERS.**

7 Section 418 of title 37, United States Code, is
 8 amended—

9 (1) in subsection (a), by striking “The Presi-
 10 dent” and inserting “The Secretary of Defense and
 11 the Secretary of Transportation, with respect to the
 12 Coast Guard when it is not operating as a service in
 13 the Navy,”; and

14 (2) in subsection (b), by striking “the President”
 15 and inserting “the Secretary of Defense”.

16 **SEC. 610. SPECIAL SUBSISTENCE ALLOWANCE FOR MEM-**
 17 **BERS ELIGIBLE TO RECEIVE FOOD STAMP AS-**
 18 **SISTANCE.**

19 (a) *ALLOWANCE.*—(1) Chapter 7 of title 37, United
 20 States Code, is amended by inserting after section 402 the
 21 following new section:

22 **“§ 402a. Special subsistence allowance**

23 “(a) *ENTITLEMENT.*—(1) Upon the application of an
 24 eligible member of a uniformed service described in sub-
 25 section (b), the Secretary concerned shall pay the member

1 *a special subsistence allowance for each month for which*
2 *the member is eligible to receive food stamp assistance.*

3 “(2) *In determining the eligibility of a member to re-*
4 *ceive food stamp assistance for purposes of this section, the*
5 *amount of any special subsistence allowance paid the mem-*
6 *ber under this section shall not be taken into account.*

7 “(b) *COVERED MEMBERS.—An enlisted member re-*
8 *ferred to in subsection (a) is an enlisted member in pay*
9 *grade E–5 or below.*

10 “(c) *TERMINATION OF ENTITLEMENT.—The entitle-*
11 *ment of a member to receive payment of a special subsist-*
12 *ence allowance terminates upon the occurrence of any of*
13 *the following events:*

14 “(1) *Termination of eligibility for food stamp*
15 *assistance.*

16 “(2) *Payment of the special subsistence allow-*
17 *ance for 12 consecutive months.*

18 “(3) *Promotion of the member to a higher grade.*

19 “(4) *Transfer of the member in a permanent*
20 *change of station.*

21 “(d) *REESTABLISHED ENTITLEMENT.—(1) After a ter-*
22 *mination of a member’s entitlement to the special subsist-*
23 *ence allowance under subsection (c), the Secretary con-*
24 *cerned shall resume payment of the special subsistence al-*
25 *lowance to the member if the Secretary determines, upon*

1 *further application of the member, that the member is eligi-*
2 *ble to receive food stamps.*

3 “(2) *Payments resumed under this subsection shall ter-*
4 *minate under subsection (c) upon the occurrence of an event*
5 *described in that subsection after the resumption of the pay-*
6 *ments.*

7 “(3) *The number of times that payments are resumed*
8 *under this subsection is unlimited.*

9 “(e) *DOCUMENTATION OF ELIGIBILITY.—A member of*
10 *the uniformed services applying for the special subsistence*
11 *allowance under this section shall furnish the Secretary con-*
12 *cerned with such evidence of the member’s eligibility for*
13 *food stamp assistance as the Secretary may require in con-*
14 *nection with the application.*

15 “(f) *AMOUNT OF ALLOWANCE.—The monthly amount*
16 *of the special subsistence allowance under this section is*
17 *\$180.*

18 “(g) *RELATIONSHIP TO BASIC ALLOWANCE FOR SUB-*
19 *SISTENCE.—The special subsistence allowance under this*
20 *section is in addition to the basic allowance for subsistence*
21 *under section 402 of this title.*

22 “(h) *FOOD STAMP ASSISTANCE DEFINED.—In this sec-*
23 *tion, the term ‘food stamp assistance’ means assistance*
24 *under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).*

1 “(i) *TERMINATION OF AUTHORITY.*—No special sub-
2 sistence allowance may be made under this section for any
3 month beginning after September 30, 2005.”.

4 (2) *The table of sections at the beginning of such chap-*
5 *ter is amended by inserting after the item relating to section*
6 *402 the following:*

 “402a. *Special subsistence allowance.*”.

7 (b) *EFFECTIVE DATE.*—Section 402a of title 37,
8 *United States Code, shall take effect on the first day of the*
9 *first month that begins on or after the date of the enactment*
10 *of this Act.*

11 (c) *ANNUAL REPORT.*—(1) *Not later than March 1 of*
12 *each year after 2000, the Comptroller General of the United*
13 *States shall submit to Congress a report setting forth the*
14 *number of members of the uniformed services who are eligi-*
15 *ble for assistance under the Food Stamp Act of 1977 (7*
16 *U.S.C. 2011 et seq.).*

17 (2) *In preparing the report, the Comptroller General*
18 *shall consult with the Secretary of Defense, the Secretary*
19 *of Transportation (with respect to the Coast Guard), the*
20 *Secretary of Health and Human Services (with respect to*
21 *the commissioned corps of the Public Health Service), and*
22 *the Secretary of Commerce (with respect to the commis-*
23 *sioned officers of the National Oceanic and Atmospheric Ad-*
24 *ministration), who shall provide the Comptroller General*

1 *with any information that the Comptroller General deter-*
 2 *mines necessary to prepare the report.*

3 (3) *No report is required under this subsection after*
 4 *March 1, 2005.*

5 **SEC. 610A. RESTRUCTURING OF BASIC PAY TABLES FOR**
 6 **CERTAIN ENLISTED MEMBERS.**

7 (a) *IN GENERAL.—The table under the heading “EN-*
 8 *LISTED MEMBERS” in section 601(c) of the National*
 9 *Defense Authorization Act for Fiscal Year 2000 (Public*
 10 *Law 105–65; 113 Stat. 648) is amended by striking the*
 11 *amounts relating to pay grades E–7, E–6, and E–5 and*
 12 *inserting the amounts for the corresponding years of service*
 13 *specified in the following table:*

ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

<i>Pay Grade</i>	<i>2 or less</i>	<i>Over 2</i>	<i>Over 3</i>	<i>Over 4</i>	<i>Over 6</i>
<i>E–7</i>	<i>1,765.80</i>	<i>1,927.80</i>	<i>2,001.00</i>	<i>2,073.00</i>	<i>2,148.60</i>
<i>E–6</i>	<i>1,518.90</i>	<i>1,678.20</i>	<i>1,752.60</i>	<i>1,824.30</i>	<i>1,899.40</i>
<i>E–5</i>	<i>1,332.60</i>	<i>1,494.00</i>	<i>1,566.00</i>	<i>1,640.40</i>	<i>1,715.70</i>
	<i>Over 8</i>	<i>Over 10</i>	<i>Over 12</i>	<i>Over 14</i>	<i>Over 16</i>
<i>E–7</i>	<i>2,277.80</i>	<i>2,350.70</i>	<i>2,423.20</i>	<i>2,495.90</i>	<i>2,570.90</i>
<i>E–6</i>	<i>2,022.60</i>	<i>2,096.40</i>	<i>2,168.60</i>	<i>2,241.90</i>	<i>2,294.80</i>
<i>E–5</i>	<i>1,821.00</i>	<i>1,893.00</i>	<i>1,967.10</i>	<i>1,967.60</i>	<i>1,967.60</i>
	<i>Over 18</i>	<i>Over 20</i>	<i>Over 22</i>	<i>Over 24</i>	<i>Over 26</i>
<i>E–7</i>	<i>2,644.20</i>	<i>2,717.50</i>	<i>2,844.40</i>	<i>2,926.40</i>	<i>3,134.40</i>
<i>E–6</i>	<i>2,332.00</i>	<i>2,332.00</i>	<i>2,335.00</i>	<i>2,335.00</i>	<i>2,335.00</i>
<i>E–5</i>	<i>1,967.60</i>	<i>1,967.60</i>	<i>1,967.60</i>	<i>1,967.60</i>	<i>1,967.60</i>

14 (b) *APPLICATION OF AMENDMENTS.—The amendments*
 15 *made by subsection (a) shall take effect as of October 1,*

1 2000, and shall apply with respect to months beginning on
2 or after that date.

3 **SEC. 610B. BASIC ALLOWANCE FOR HOUSING.**

4 (a) *APPLICABILITY OF LOW-COST AND NO-COST RE-*
5 *ASSIGNMENTS TO MEMBERS WITH DEPENDENTS.*—Sub-
6 section (b)(7) of section 403 of title 37, United States Code,
7 is amended by striking “without dependents”.

8 (b) *ALLOWANCE WHEN DEPENDENTS ARE UNABLE TO*
9 *ACCOMPANY MEMBERS.*—Subsection (d) of such section is
10 amended by striking paragraph (3) and inserting the fol-
11 lowing:

12 “(3) *In the case of a member with dependents who is*
13 *assigned to duty in an area that is different from the area*
14 *in which the member’s dependents reside—*

15 “(A) *the member shall receive a basic allowance*
16 *for housing as provided in subsection (b) or (c), as*
17 *appropriate;*

18 “(B) *if the member is assigned to duty in an*
19 *area or under circumstances that, as determined by*
20 *the Secretary concerned, require the member’s depend-*
21 *ents to reside in a different area, the member shall re-*
22 *ceive a basic allowance for housing as if the member*
23 *were assigned to duty in the area in which the de-*
24 *pendents reside or at the member’s last duty station,*

1 *whichever the Secretary concerned determines to be*
 2 *equitable; or*

3 “(C) if the member is assigned to duty in that
 4 *area under the conditions of low-cost or no-cost per-*
 5 *manent change of station or permanent change of as-*
 6 *signment and the Secretary concerned determines that*
 7 *it would be inequitable to base the member’s entitle-*
 8 *ment to, and amount of, a basic allowance for hous-*
 9 *ing on the cost of housing in the area to which the*
 10 *member is reassigned, the member shall receive a*
 11 *basic allowance for housing as if the member were as-*
 12 *signed to duty at the member’s last duty station.”.*

13 (c) *EFFECTIVE DATE.*—*The amendments made by sub-*
 14 *sections (a) and (b) shall take effect on October 1, 2000,*
 15 *and shall apply with respect to pay periods beginning on*
 16 *and after that date.*

17 ***Subtitle B—Bonuses and Special***
 18 ***and Incentive Pays***

19 ***SEC. 611. EXTENSION OF CERTAIN BONUSES AND SPECIAL***
 20 ***PAY AUTHORITIES FOR RESERVE FORCES.***

21 (a) *SPECIAL PAY FOR HEALTH PROFESSIONALS IN*
 22 *CRITICALLY SHORT WARTIME SPECIALTIES.*—*Section*
 23 *302g(f) of title 37, United States Code, is amended by strik-*
 24 *ing “December 31, 2000” and inserting “December 31,*
 25 *2001”.*

1 (b) *SELECTED RESERVE REENLISTMENT BONUS.*—
 2 Section 308b(f) of such title is amended by striking “Decem-
 3 ber 31, 2000” and inserting “December 31, 2001”.

4 (c) *SELECTED RESERVE ENLISTMENT BONUS.*—Sec-
 5 tion 308c(e) of such title is amended by striking “December
 6 31, 2000” and inserting “December 31, 2001”.

7 (d) *SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED*
 8 *TO CERTAIN HIGH PRIORITY UNITS.*—Section 308d(c) of
 9 such title is amended by striking “December 31, 2000” and
 10 inserting “December 31, 2001”.

11 (e) *SELECTED RESERVE AFFILIATION BONUS.*—Sec-
 12 tion 308e(e) of such title is amended by striking “December
 13 31, 2000” and inserting “December 31, 2001”.

14 (f) *READY RESERVE ENLISTMENT AND REENLISTMENT*
 15 *BONUS.*—Section 308h(g) of such title is amended by strik-
 16 ing “December 31, 2000” and inserting “December 31,
 17 2001”.

18 (g) *PRIOR SERVICE ENLISTMENT BONUS.*—Section
 19 308i(f) of such title is amended by striking “December 31,
 20 2000” and inserting “December 31, 2001”.

21 (h) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*
 22 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*
 23 *RESERVE.*—Section 16302(d) of title 10, United States
 24 Code, is amended by striking “January 1, 2001” and in-
 25 serting “January 1, 2002”.

1 **SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
2 **PAY AUTHORITIES FOR NURSE OFFICER CAN-**
3 **DIDATES, REGISTERED NURSES, AND NURSE**
4 **ANESTHETISTS.**

5 (a) *NURSE OFFICER CANDIDATE ACCESSION PRO-*
6 *GRAM.*—Section 2130a(a)(1) of title 10, United States Code,
7 is amended by striking “December 31, 2000” and inserting
8 “December 31, 2001”.

9 (b) *ACCESSION BONUS FOR REGISTERED NURSES.*—
10 Section 302d(a)(1) of title 37, United States Code, is
11 amended by striking “December 31, 2000” and inserting
12 “December 31, 2001”.

13 (c) *INCENTIVE SPECIAL PAY FOR NURSE ANES-*
14 *THETISTS.*—Section 302e(a)(1) of title 37, United States
15 Code, is amended by striking “December 31, 2000” and in-
16 serting “December 31, 2001”.

17 **SEC. 613. EXTENSION OF AUTHORITIES RELATING TO PAY-**
18 **MENT OF OTHER BONUSES AND SPECIAL**
19 **PAYS.**

20 (a) *AVIATION OFFICER RETENTION BONUS.*—Section
21 301b(a) of title 37, United States Code, is amended by strik-
22 ing “December 31, 2000,” and inserting “December 31,
23 2001,”.

24 (b) *REENLISTMENT BONUS FOR ACTIVE MEMBERS.*—
25 Section 308(g) of such title is amended by striking “Decem-
26 ber 31, 2000” and inserting “December 31, 2001”.

1 (c) *ENLISTMENT BONUS FOR PERSONS WITH CRIT-*
 2 *ICAL SKILLS.*—Section 308a(d) of such title is amended by
 3 striking “December 31, 2000” and inserting “December 31,
 4 2001”.

5 (d) *ARMY ENLISTMENT BONUS.*—Section 308f(c) of
 6 such title is amended by striking “December 31, 2000” and
 7 inserting “December 31, 2001”.

8 (e) *SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS*
 9 *EXTENDING PERIOD OF ACTIVE SERVICE.*—Section 312(e)
 10 of such title is amended by striking “December 31, 2000”
 11 and inserting “December 31, 2001”.

12 (f) *NUCLEAR CAREER ACCESSION BONUS.*—Section
 13 312b(c) of such title is amended by striking “December 31,
 14 2000” and inserting “December 31, 2001”.

15 (g) *NUCLEAR CAREER ANNUAL INCENTIVE BONUS.*—
 16 Section 312c(d) of such title is amended by striking “De-
 17 cember 31, 2000” and inserting “December 31, 2001”.

18 **SEC. 614. CONSISTENCY OF AUTHORITIES FOR SPECIAL PAY**
 19 **FOR RESERVE MEDICAL AND DENTAL OFFI-**
 20 **CERS.**

21 (a) *RESERVE MEDICAL OFFICERS SPECIAL PAY.*—
 22 Section 302(h)(1) of title 37, United States Code, is amend-
 23 ed by adding at the end: “, including active duty in the
 24 form of annual training, active duty for training, and ac-
 25 tive duty for special work”.

1 (b) *RESERVE DENTAL OFFICERS SPECIAL PAY*
 2 *AMENDMENT.*—Subsection (d) of section 302f of title 37,
 3 *United States Code, is amended to read as follows:*

4 “(d) *SPECIAL RULE FOR RESERVE MEDICAL AND*
 5 *DENTAL OFFICERS.*—While a Reserve medical or dental of-
 6 ficer receives a special pay under section 302 or 302b of
 7 this title by reason of subsection (a), the officer shall not
 8 be entitled to special pay under section 302(h) or 302b(h)
 9 of this title.”.

10 **SEC. 615. SPECIAL PAY FOR PHYSICIAN ASSISTANTS OF THE**
 11 **COAST GUARD.**

12 Section 302c(d)(1) of title 37, *United States Code, is*
 13 *amended by inserting after “nurse,” the following: “an offi-*
 14 *cer of the Coast Guard or Coast Guard Reserve designated*
 15 *as a physician assistant,”.*

16 **SEC. 616. AUTHORIZATION OF SPECIAL PAY AND ACCES-**
 17 **SION BONUS FOR PHARMACY OFFICERS.**

18 (a) *AUTHORIZATION OF SPECIAL PAY.*—Chapter 5 of
 19 *title 37, United States Code, is amended by inserting after*
 20 *section 302h the following new section:*

21 **“§ 302i. Special pay: pharmacy officers**

22 “(a) *ARMY, NAVY, AND AIR FORCE PHARMACY OFFI-*
 23 *CERS.*—Under regulations prescribed pursuant to section
 24 *303a of this title, the Secretary of the military department*

1 *concerned may, subject to subsection (c), pay special pay*
2 *at the rates specified in subsection (d) to an officer who—*

3 “(1) *is a pharmacy officer in the Medical Service*
4 *Corps of the Army or Navy or the Biomedical*
5 *Sciences Corps of the Air Force; and*

6 “(2) *is on active duty under a call or order to*
7 *active duty for a period of not less than one year.*

8 “(b) *PUBLIC HEALTH SERVICE CORPS.—Subject to*
9 *subsection (c), the Secretary of Health and Human Services*
10 *may pay special pay at the rates specified in subsection*
11 *(d) to an officer who—*

12 “(1) *is an officer in the Regular or Reserve*
13 *Corps of the Public Health Service and is designated*
14 *as a pharmacy officer; and*

15 “(2) *is on active duty under a call or order to*
16 *active duty for a period of not less than one year.*

17 “(c) *LIMITATION.—Special pay may not be paid under*
18 *this section to an officer serving in a pay grade above pay*
19 *grade O–6.*

20 “(d) *RATE OF SPECIAL PAY.—The rate of special pay*
21 *paid to an officer subsection (a) or (b) is as follows:*

22 “(1) *\$3,000 per year, if the officer is undergoing*
23 *pharmacy internship training or has less than 3*
24 *years of creditable service.*

6 “(4) \$12,000 per year, if the officer has at least
7 8 but less than 12 years of creditable service.

10 “(6) \$9,000 per year, if the officer has at least
11 14 but less than 18 years of creditable service.

(b) *AUTHORIZATION OF ACCESSION BONUSES.*—Chapter 5 of that title is further amended by inserting after section 302i, as added by subsection (a) of this section, the following new section:

20 “(a) *ACCESSION BONUS AUTHORIZED.*—A person who
21 is a graduate of an accredited pharmacy school and who,
22 during the period beginning on the date of the enactment
23 of the National Defense Authorization Act for Fiscal Year
24 2001 and ending on September 30, 2004, executes a written
25 agreement described in subsection (c) to accept a commis-

1 sion as an officer of a uniformed service and remain on
2 active duty for a period of not less than 4 years may, upon
3 acceptance of the agreement by the Secretary concerned, be
4 paid an accession bonus in an amount determined by the
5 Secretary concerned.

6 “(b) *LIMITATION ON AMOUNT OF BONUS.*—The
7 amount of an accession bonus under subsection (a) may not
8 exceed \$30,000.

9 “(c) *LIMITATION ON ELIGIBILITY FOR BONUS.*—A per-
10 son may not be paid a bonus under subsection (a) if—

11 “(1) the person, in exchange for an agreement to
12 accept an appointment as a warrant or commissioned
13 officer, received financial assistance from the Depart-
14 ment of Defense or the Department of Health and
15 Human Services to pursue a course of study in phar-
16 macy; or

17 “(2) the Secretary concerned determines that the
18 person is not qualified to become and remain licensed
19 as a pharmacist.

20 “(d) *AGREEMENT.*—The agreement referred to in sub-
21 section (a) shall provide that, consistent with the needs of
22 the uniformed service concerned, the person executing the
23 agreement shall be assigned to duty, for the period of obli-
24 gated service covered by the agreement, as a pharmacy offi-
25 cer in the Medical Service Corps of the Army or Navy, a

1 *biomedical sciences officer in the Air Force designated as*
2 *a pharmacy officer, or a pharmacy officer of the Public*
3 *Health Service.*

4 “(e) *REPAYMENT.*—(1) *An officer who receives a pay-*
5 *ment under subsection (a) and who fails to become and re-*
6 *main licensed as a pharmacist during the period for which*
7 *the payment is made shall refund to the United States an*
8 *amount equal to the full amount of such payment.*

9 “(2) *An officer who voluntarily terminates service on*
10 *active duty before the end of the period agreed to be served*
11 *under subsection (a) shall refund to the United States an*
12 *amount that bears the same ratio to the amount paid to*
13 *the officer as the unserved part of such period bears to the*
14 *total period agreed to be served.*

15 “(3) *An obligation to reimburse the United States*
16 *under paragraph (1) or (2) is for all purposes a debt owed*
17 *to the United States.*

18 “(4) *A discharge in bankruptcy under title 11 that is*
19 *entered less than 5 years after the termination of an agree-*
20 *ment under this section does not discharge the person sign-*
21 *ing such agreement from a debt arising under such agree-*
22 *ment or this subsection. This paragraph applies to any case*
23 *commenced under title 11 after the date of the enactment*
24 *of the National Defense Authorization Act for Fiscal Year*
25 *2001.”.*

“302i. *Special pay: pharmacy officers.*

8 SEC. 617. CORRECTION OF REFERENCES TO AIR FORCE
9 VETERINARIANS.

(1) in paragraph (1)(B), by striking “who is designated as a veterinary officer” and inserting “who is an officer in the Biomedical Sciences Corps and holds a degree in veterinary medicine”; and

18 “(B) of a reserve component of the Air
19 Force, of the Army or the Air Force without
20 specification of component, or of the National
21 Guard, who—

HR 4205 EAS

1 “(ii) is an officer in the Biomedical
2 Sciences Corps of the Air Force and holds
3 a degree in veterinary medicine; or”.

4 **SEC. 618. ENTITLEMENT OF ACTIVE DUTY OFFICERS OF**
5 **THE PUBLIC HEALTH SERVICE CORPS TO SPE-**
6 **CIAL PAYS AND BONUSES OF HEALTH PRO-**
7 **FSSIONAL OFFICERS OF THE ARMED**
8 **FORCES.**

9 (a) *IN GENERAL.*—Section 303a of title 37, United
10 *States Code, is amended—*

11 (1) *by redesignating subsections (b) and (c) as*
12 *subsections (c) and (d); and*

13 (2) *by inserting after subsection (a) the following*
14 *new subsection (b):*

15 “(b)(1) *Except as provided in paragraph (2) or as oth-*
16 *erwise provided under a provision of this chapter, commis-*
17 *sioned officers in the Regular or Reserve Corps of the Public*
18 *Health Service shall be entitled to special pay under the*
19 *provisions of this chapter in the same amounts, and under*
20 *the same terms and conditions, as commissioned officers of*
21 *the armed forces are entitled to special pay under the provi-*
22 *sions of this chapter.*

23 “(2) *A commissioned medical officer in the Regular*
24 *or Reserve Corps of the Public Health Service (other than*
25 *an officer serving in the Indian Health Service) may not*

1 *receive additional special pay under section 302(a)(4) of*
 2 *this title for any period during which the officer is pro-*
 3 *viding obligated service under the following provisions of*
 4 *law:*

5 “(A) *Section 338B of the Public Health Service*
 6 *Act (42 U.S.C. 254l–1).*

7 “(B) *Section 225(e) of the Public Health Service*
 8 *Act, as that section was in effect before 1, 1977.*

9 “(C) *Section 752 of the Public Health Service*
 10 *Act, as that section was in effect between October 1,*
 11 *1977, and August 13, 1981.”.*

12 (b) *REPEAL OF SUPERSEDED PROVISIONS.—Section*
 13 *208(a) of the Public Health Service Act (42 U.S.C. 210(a))*
 14 *is amended—*

15 (1) *by striking paragraphs (2) and (3); and*

16 (2) *by inserting after paragraph (1) the fol-*
 17 *lowing new paragraph (2):*

18 “(2) *For provisions relating to the receipt of special*
 19 *pay by commissioned officers of the Regular and Reserve*
 20 *Corps while on active duty, see section 303a(b) of title 37,*
 21 *United States Code.”.*

22 **SEC. 619. CAREER SEA PAY.**

23 (a) *REFORM OF AUTHORITIES.—Section 305a of title*
 24 *37, United States Code, is amended—*

1 (1) in subsection (a), by striking “Under regula-
2 tions prescribed by the President, a member” and in-
3 serting “A member”;

4 (2) by redesignating subsection (d) as subsection
5 (e); and

6 (3) by striking subsections (b) and (c) and in-
7 serting the following:

8 “(b) The Secretary concerned shall prescribe the
9 monthly rates for special pay applicable to members of each
10 armed force under the Secretary’s jurisdiction. No monthly
11 rate may exceed \$750.

12 “(c) A member of a uniformed service entitled to career
13 sea pay under this section who has served 36 consecutive
14 months of sea duty is also entitled to a career sea pay pre-
15 mium for the thirty-seventh consecutive month and each
16 subsequent consecutive month of sea duty served by such
17 member. The monthly amount of the premium shall be pre-
18 scribed by the Secretary concerned, but may not exceed
19 \$350.

20 “(d) The Secretary concerned shall prescribe regula-
21 tions for the administration of this section for the armed
22 force or armed forces under the jurisdiction of the Secretary.
23 The entitlements under this section shall be subject to the
24 regulations.”.

1 (b) *EFFECTIVE DATE.*—*The amendments made by this*
 2 *section shall take effect on October 1, 2000, and shall apply*
 3 *with respect to months beginning on or after that date.*

4 **SEC. 620. INCREASED MAXIMUM RATE OF SPECIAL DUTY AS-**
 5 **SIGNMENT PAY.**

6 Section 307(a) of title 37, United States Code, is
 7 amended—

8 (1) by striking “\$275” and inserting “\$600”;
 9 and

10 (2) by striking the second sentence.

11 **SEC. 621. EXPANSION OF APPLICABILITY OF AUTHORITY**
 12 **FOR CRITICAL SKILLS ENLISTMENT BONUS**
 13 **TO INCLUDE ALL ARMED FORCES.**

14 (a) *EXPANSION OF AUTHORITY.*—*Section 308f of title*
 15 *37, United States Code, is amended—*

16 (1) by striking “Secretary of the Army” each
 17 place it appears and inserting “Secretary concerned”;
 18 and

19 (2) by striking “the Army” in subsections (a)(3)
 20 and (c) and inserting “an armed force”.

21 (b) *CONFORMING AMENDMENT.*—*The heading for such*
 22 *section is amended to read as follows:*

23 **“§ 308f. Special pay: bonus for enlistment”.**

24 (c) *CLERICAL AMENDMENT.*—*The table of sections at*
 25 *the beginning of chapter 5 of title 37, United States Code,*

1 *is amended by striking the item relating to section 308f and*
 2 *inserting the following:*

“308f. Special pay: bonus for enlistment.”.

3 (d) *EFFECTIVE DATE.*—*This section and the amend-*
 4 *ments made by this section shall take effect on October 1,*
 5 *2000, and shall apply with respect to months beginning on*
 6 *or after that date.*

7 **SEC. 622. ENTITLEMENT OF MEMBERS OF THE NATIONAL**
 8 **GUARD AND OTHER RESERVES NOT ON AC-**
 9 **TIVE DUTY TO RECEIVE SPECIAL DUTY AS-**
 10 **SIGNMENT PAY.**

11 (a) *AUTHORITY.*—*Section 307(a) of title 37, United*
 12 *States Code, is amended by inserting after “is entitled to*
 13 *basic pay” in the first sentence the following: “, or is enti-*
 14 *tled to compensation under section 206 of this title in the*
 15 *case of a member of a reserve component not on active*
 16 *duty,”.*

17 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 18 *section (a) shall take effect on the first day of the first*
 19 *month that begins on or after the date of the enactment of*
 20 *this Act.*

**Subtitle C—Travel and
Transportation Allowances**

**SEC. 631. ADVANCE PAYMENTS FOR TEMPORARY LODGING
OF MEMBERS AND DEPENDENTS.**

(a) SUBSISTENCE EXPENSES.—Section 404a of title 37, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively; and

(2) by striking subsection (a) and inserting the following:

“(a)(1) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service who is ordered to make a change of permanent station described in paragraph (2) shall be paid or reimbursed for subsistence expenses of the member and the member’s dependents for the period (subject to subsection (c)) for which the member and dependents occupy temporary quarters incident to that change of permanent station.

“(2) Paragraph (1) applies to the following:

“(A) A permanent change of station from any duty station to a duty station in the United States (other than Hawaii or Alaska).

“(B) A permanent change of station from a duty station in the United States (other than Hawaii or

1 Alaska) to a duty station outside the United States
2 or in Hawaii or Alaska.

3 “(b) The Secretary concerned may make any payment
4 for subsistence expenses to a member under this section in
5 advance of the incurrence of the expenses. The amount of
6 an advance payment made to a member shall be computed
7 on the basis of the Secretary’s determination of the average
8 number of days that members and their dependents occupy
9 temporary quarters under the circumstances applicable to
10 the member and the member’s dependents.

11 “(c)(1) In the case of a change of permanent station
12 described in subsection (a)(2)(A), the period for which sub-
13 sistence expenses are to be paid or reimbursed under this
14 section may not exceed 10 days.

15 “(2) In the case of a change of permanent station de-
16 scribed in subsection (a)(2)(B)—

17 “(A) the period for which such expenses are to be
18 paid or reimbursed under this section may not exceed
19 five days; and

20 “(B) such payment or reimbursement may be
21 provided only for expenses incurred before leaving the
22 United States (other than Hawaii or Alaska).”.

23 (b) *PER DIEM*.—Section 405 of such title is
24 amended—

1 (1) by redesignating subsection (b) as subsection
2 (c); and

3 (2) by striking subsection (a) and inserting the
4 following:

5 “(a) Without regard to the monetary limitation of this
6 title, the Secretary concerned may pay a per diem to a
7 member who is on duty outside of the United States or in
8 Hawaii or Alaska, whether or not the member is in a travel
9 status. The Secretary may pay the per diem in advance
10 of the accrual of the per diem.

11 “(b) In determining the per diem to be paid under this
12 section, the Secretary concerned shall consider all elements
13 of the cost of living to members of the uniformed services
14 under the Secretary’s jurisdiction and their dependents, in-
15 cluding the cost of quarters, subsistence, and other necessary
16 incidental expenses. However, dependents may not be con-
17 sidered in determining the per diem allowance for a mem-
18 ber in a travel status.”.

19 **SEC. 632. INCENTIVE FOR SHIPPING AND STORING HOUSE-**
20 **HOLD GOODS IN LESS THAN AVERAGE**
21 **WEIGHTS.**

22 Section 406(b)(1) of title 37, United States Code, is
23 amended by adding at the end the following new subpara-
24 graph:

1 “(G) *The Secretary concerned may pay a member a*
2 *share (determined by the Secretary) of the amount of the*
3 *savings resulting to the United States for less than average*
4 *shipping and storage of the member’s baggage and house-*
5 *hold effects under subparagraph (A). Shipping and storage*
6 *of a member’s baggage and household effects for a member*
7 *shall be considered as less than average if the total weights*
8 *of the baggage and household effects shipped and stored are*
9 *less than the average weights of the baggage and household*
10 *effects that are shipped and stored, respectively, by members*
11 *of the same grade and status with respect to dependents as*
12 *the member in connection with changes of station that are*
13 *comparable to the member’s change of station. The amount*
14 *of the savings shall be the amount equal to the excess of*
15 *the cost of shipping and cost of storing such average weights*
16 *of baggage and household effects, respectively, over the cor-*
17 *responding costs associated with the weights of the member’s*
18 *baggage and household effects. For the administration of*
19 *this subparagraph, the Secretary of Defense shall annually*
20 *determine the average weights of baggage and household ef-*
21 *fects shipped and stored.”.*

22 **SEC. 633. EXPANSION OF FUNDED STUDENT TRAVEL.**

23 *Section 430 of title 37, United States Code, is*
24 *amended—*

1 (1) in subsection (a)(3), by striking “for the pur-
 2 pose of obtaining a secondary or undergraduate col-
 3 lege education” and inserting “for the purpose of ob-
 4 taining a formal education”;

5 (2) in subsection (b), by striking “for the purpose
 6 of obtaining a secondary or undergraduate college
 7 education” and inserting “for the purpose of obtain-
 8 ing a formal education”; and

9 (3) in subsection (f)—

10 (A) by striking “In this section, the term”
 11 and insert the following:

12 *“In this section:*

13 *“(1) The term”; and*

14 (B) by adding at the end the following:

15 *“(2) The term ‘formal education’ means the fol-
 16 lowing:*

17 *“(A) A secondary education.*

18 *“(B) An undergraduate college education.*

19 *“(C) A graduate education pursued on a
 20 full-time basis at an institution of higher edu-
 21 cation (as defined in section 101 of the Higher
 22 Education Act of 1965 (20 U.S.C. 1001)).*

23 *“(D) Vocational education pursued on a
 24 full-time basis at a post-secondary vocational in-
 25 stitution (as defined in section 102(c) of the*

1 *Higher Education Act of 1965 (20 U.S.C.*
2 *1002(c))*).”.

3 **SEC. 634. BENEFITS FOR MEMBERS NOT TRANSPORTING**
4 **PERSONAL MOTOR VEHICLES OVERSEAS.**

5 *(a) INCENTIVES.—Section 2634 of title 10, United*
6 *States Code, is amended—*

7 *(1) by redesignating subsection (h) as subsection*
8 *(i); and*

9 *(2) by inserting after subsection (g) the following*
10 *new subsection (h):*

11 *“(h)(1) If a member of an armed force authorized the*
12 *transportation of a motor vehicle under subsection (a) elects*
13 *not to have the vehicle transported and not (if eligible) to*
14 *have the vehicle stored under subsection (b), the Secretary*
15 *concerned may pay the member a share (determined by the*
16 *Secretary) of the amount of the savings resulting to the*
17 *United States. The Secretary may make the payment in*
18 *advance of the member’s change of permanent station.*

19 *“(2) The Secretary of Defense shall determine annually*
20 *the rates of savings to the United States that are associated*
21 *with elections of a member described in paragraph (1).”.*

22 **(b) STORAGE AS ALTERNATIVE TO TRANSPORTATION**
23 **FOR UNACCOMPANIED ASSIGNMENTS.—***Subsection (b) of*
24 *such section—*

1 (1) *by redesignating paragraph (3) as para-*
 2 *graph (4); and*

3 (2) *by inserting after paragraph (2) the fol-*
 4 *lowing new paragraph (3):*

5 “(3) *If a member authorized the transportation of a*
 6 *motor vehicle under subsection (a) is not authorized under*
 7 *reassignment orders to be accompanied by dependents on*
 8 *a command-sponsored basis, the member may elect, in lieu*
 9 *of that transportation, to have the motor vehicle stored at*
 10 *a location approved by the Secretary concerned. If storage*
 11 *is elected, the Secretary shall pay the expenses associated*
 12 *with the storage of the vehicle, as authorized under para-*
 13 *graph (4), up to the amount equal to the cost that would*
 14 *have been incurred by the United States for transportation*
 15 *of the vehicle under subsection (a). The member shall be re-*
 16 *sponsible for the payment of the costs of the storage in excess*
 17 *of that amount.”.*

18 ***Subtitle D—Retirement Benefits***

19 ***SEC. 641. EXCEPTION TO HIGH-36 MONTH RETIRED PAY*** 20 ***COMPUTATION FOR MEMBERS RETIRED FOL-*** 21 ***LOWING A DISCIPLINARY REDUCTION IN*** 22 ***GRADE.***

23 *Section 1407 of title 10, United States Code, is*
 24 *amended—*

1 (1) in subsection (b), by striking “The retired
2 pay base” and inserting “Except as provided in sub-
3 section (f), the retired pay base”; and

4 (2) by adding at the end the following new sub-
5 section:

6 “(f) *EXCEPTION FOR ENLISTED MEMBERS REDUCED*
7 *IN GRADE AND OFFICERS WHO DO NOT SERVE SATISFAC-*
8 *TORILY IN HIGHEST GRADE HELD.—*

9 “(1) *COMPUTATION BASED ON PRE-HIGH-THREE*
10 *RULES.—In the case of a member or former member*
11 *described in paragraph (2), the retired pay base or*
12 *retainer pay base is determined under section 1406 of*
13 *this title in the same manner as if the member or*
14 *former member first became a member of a uniformed*
15 *service before September 8, 1980.*

16 “(2) *AFFECTED MEMBERS.—A member or former*
17 *member referred to in paragraph (1) is a member or*
18 *former member who by reason of conduct occurring*
19 *after the date of the enactment of this subsection—*

20 “(A) *in the case of a member retired in an*
21 *enlisted grade or transferred to the Fleet Reserve*
22 *or Fleet Marine Corps Reserve, was at any time*
23 *reduced in grade as the result of a court-martial*
24 *sentence, nonjudicial punishment, or an admin-*
25 *istrative action, unless the member was subse-*

1 quently promoted to a higher enlisted grade or
2 appointed to a commissioned or warrant grade;
3 and

4 “(B) in the case of an officer, is retired in
5 a grade lower than the highest grade in which
6 served by reason of denial of a determination or
7 certification under section 1370 of this title that
8 the officer served on active duty satisfactorily in
9 that grade.

10 “(3) *SPECIAL RULE FOR ENLISTED MEMBERS.*—

11 *In the case of a member who retires within three*
12 *years after having been reduced in grade as described*
13 *in paragraph (2)(A), who retires in an enlisted grade*
14 *that is lower than the grade from which reduced, and*
15 *who would be subject to paragraph (2)(A) but for a*
16 *subsequent promotion to a higher enlisted grade or a*
17 *subsequent appointment to a warrant or commis-*
18 *sioned grade, the rates of basic pay used in the com-*
19 *putation of the member’s high-36 average for the pe-*
20 *riod of the member’s service in a grade higher than*
21 *the grade in which retired shall be the rates of pay*
22 *that would apply if the member had been serving for*
23 *that period in the grade in which retired.”.*

1 **SEC. 642. AUTOMATIC PARTICIPATION IN RESERVE COMPO-**
2 **NENT SURVIVOR BENEFIT PLAN UNLESS DE-**
3 **CLINED WITH SPOUSE'S CONSENT.**

4 (a) *INITIAL OPPORTUNITY TO DECLINE.*—Paragraph
5 (2)(B) of section 1448(a) of title 10, United States Code,
6 is amended to read as follows:

7 “(B) *RESERVE-COMPONENT ANNUITY PAR-*
8 *TICIPANTS.*—A person who is—

9 “(i) *eligible to participate in the Plan*
10 *under paragraph (1)(B); and*

11 “(ii) *married or has a dependent child*
12 *when he is notified under section 12731(d)*
13 *of this title that he has completed the years*
14 *of service required for eligibility for reserve-*
15 *component retired pay, unless the person*
16 *elects (with his spouse's concurrence, if re-*
17 *quired under paragraph (3)) not to partici-*
18 *pate in the Plan before the end of the 90-*
19 *day period beginning on the date he receives*
20 *such notification.*

21 *A person who elects not to participate in the*
22 *Plan as described in the foregoing sentence re-*
23 *mains eligible, upon reaching 60 years of age*
24 *and otherwise becoming entitled to retired pay,*
25 *to participate in the Plan in accordance with*
26 *eligibility under paragraph (1)(A).”.*

1 (b) *SPOUSAL CONSENT REQUIREMENT.*—Paragraph
2 (3)(B) of such section is amended—

3 (1) by striking “who elects to provide” and in-
4 serting “who is eligible to provide”;

5 (2) by redesignating clauses (i) and (ii) as
6 clauses (iii) and (iv), respectively; and

7 (3) by inserting before clause (iii), as so redesign-
8 ated, the following:

9 “(i) not to participate in the Plan;

10 “(ii) to defer the effective date of annu-
11 ity payments to the 60th anniversary of the
12 member’s birth pursuant to subsection
13 (e)(2);”.

14 (c) *IRREVOCABILITY OF ELECTION NOT TO PARTICI-*
15 *PATE MADE UPON RECEIPT OF 20-YEAR LETTER.*—Para-
16 *graph (4)(B) of such section is amended by striking “to par-*
17 *ticipate in the Plan is irrevocable” and inserting “not to*
18 *participate in the Plan is, subject to the sentence following*
19 *clause (ii) of paragraph (2)(B), irrevocable”.*

20 (d) *DESIGNATION OF COMMENCEMENT OF RESERVE-*
21 *COMPONENT ANNUITY.*—(1) Section 1448(e) of title 10,
22 *United States Code, is amended by striking “a person elect-*
23 *ing to participate” and all that follows through “making*
24 *such election” and inserting “a person is required to make*
25 *a designation under this subsection, the person”.*

1 (2) *Section 1450(j)(1) of such title is amended to read*
 2 *as follows:*

3 “(1) *PERSON MAKING SECTION 1448(e) DESIGNA-*
 4 *TION.—A reserve-component annuity shall be effective*
 5 *in accordance with the designation made under sec-*
 6 *tion 1448(e) of this title by the person providing the*
 7 *annuity.”.*

8 (e) *EFFECTIVE DATE.—This section and the amend-*
 9 *ments made by this section shall take effect on October 1,*
 10 *2000.*

11 **SEC. 643. PARTICIPATION IN THRIFT SAVINGS PLAN.**

12 (a) *EFFECTIVE DATE OF PARTICIPATION AUTHOR-*
 13 *ITY.—Section 663 of the National Defense Authorization*
 14 *Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.*
 15 *673; 5 U.S.C. 8440 note) is amended to read as follows:*

16 **“SEC. 663. EFFECTIVE DATE.**

17 “(a) *IN GENERAL.—The amendments made by this*
 18 *subtitle shall take effect 180 days after the date of the enact-*
 19 *ment of the National Defense Authorization Act for Fiscal*
 20 *Year 2001.*

21 “(b) *POSTPONEMENT AUTHORITY.—(1) The Secretary*
 22 *of Defense may postpone the authority of members of the*
 23 *Ready Reserve to participate in the Thrift Savings Plan*
 24 *under section 211 of title 37, United States Code (as amend-*
 25 *ed by this subtitle) up to 360 days after the date referred*

1 to in subsection (a) if the Secretary, after consultation with
 2 the Executive Director (appointed by the Federal Retirement Thrift Investment Board), determines that permitting
 3 such members to participate in the Thrift Savings Plan earlier
 4 would place an excessive burden on the administrative
 5 capacity of the Board to accommodate participants in the
 6 Thrift Savings Plan.

8 “(2) The Secretary shall notify the congressional defense
 9 committees, the Committee on Government Reform of
 10 the House of Representatives, and the Committee on Governmental
 11 Affairs of the Senate of any determination made
 12 under paragraph (1).”.

13 (b) REGULATIONS.—Section 661(b) of such Act (113
 14 Stat. 672; 5 U.S.C. 8440e) is amended by striking “the date
 15 on which” and all that follows through “later,” and inserting
 16 “the effective date of the amendments made by this subtitle
 17 (determined under section 663(a)),”.

18 **SEC. 644. RETIREMENT FROM ACTIVE RESERVE SERVICE**

19 **AFTER REGULAR RETIREMENT.**

20 (a) CONVERSION TO RESERVE RETIREMENT.—(1)
 21 Chapter 1223 of title 10, United States Code, is amended
 22 by adding at the end the following:

1 **“§ 12741. Retirement from active reserve service per-**
 2 **formed after regular retirement**

3 “(a) *RESERVE RETIREMENT.*—Upon the election of a
 4 member or former member of a reserve component under
 5 subsection (b), the Secretary concerned shall—

6 “(1) treat the person as being entitled to retired
 7 pay under this chapter;

8 “(2) terminate the person’s entitlement to retired
 9 pay that is payable out of the Department of Defense
 10 Military Retirement Fund under any other provision
 11 of law other than this chapter; and

12 “(3) in the case of a reserve commissioned offi-
 13 cer, transfer the officer to the Retired Reserve.

14 “(b) *ELIGIBILITY AND ELECTION.*—A person who,
 15 after being retired under chapter 65, 367, 571, or 867 of
 16 this title, serves in an active status in a reserve component
 17 of the armed forces may elect to receive retired pay under
 18 this chapter if—

19 “(1) the person would, except for paragraph (4)
 20 of section 12731(a) of this title, otherwise be entitled
 21 to retired pay under this chapter; and

22 “(2) during that reserve service, the person
 23 served satisfactorily as—

24 “(A) a reserve commissioned officer; or

25 “(B) a reserve noncommissioned officer.

1 “(c) *TIME AND FORM OF ELECTION.*—An election
 2 under subsection (b) shall be made within such time and
 3 in such form as the Secretary concerned requires.

4 “(d) *EFFECTIVE DATE OF ELECTION.*—An election
 5 made by a person under subsection (b) shall be effective—

6 “(1) except as provided in paragraph (2)(B), as
 7 of the date on which the person attains 60 years of
 8 age, if the election is made in accordance with this
 9 section within 180 days after that date; or

10 “(2) on the first day of the first month that be-
 11 gins after the date on which the election is made in
 12 accordance with this section, if—

13 “(A) the election is made more than 180
 14 days after the date on which the person attains
 15 60 years of age; or

16 “(B) the person retires from active reserve
 17 service within that 180-day period.”.

18 (2) *The table of sections at the beginning of such chap-*
 19 *ter is amended by adding at the end the following:*

“12741. *Retirement from active service performed after regular retirement.*”.

20 (b) *EFFECTIVE DATE AND APPLICABILITY.*—(1) *This*
 21 *section and the amendments made by this section shall take*
 22 *effect 180 days after the date of the enactment of this Act.*

23 (2) *No benefits shall accrue under section 12741 of title*
 24 *10, United States Code (as added by subsection (a)), for*

1 *any period before the first day of the first month that begins*
 2 *on or after the effective date of this section.*

3 **SEC. 645. SAME TREATMENT FOR FEDERAL JUDGES AS FOR**
 4 **OTHER FEDERAL OFFICIALS REGARDING PAY-**
 5 **MENT OF MILITARY RETIRED PAY.**

6 *(a) REPEAL OF REQUIREMENT FOR SUSPENSION DUR-*
 7 *ING REGULAR ACTIVE SERVICE.—Section 371 of title 28,*
 8 *United States Code, is amended—*

9 *(1) by striking subsection (e); and*

10 *(2) by redesignating subsection (f) as subsection*
 11 *(e).*

12 *(b) CONFORMING AMENDMENTS.—Subsection (b) of*
 13 *such section is amended by striking “subsection (f)” each*
 14 *place it appears and inserting “subsection (e)”.*

15 *(c) RETROACTIVE EFFECTIVE DATE.—The amend-*
 16 *ments made by this section shall take effect as of October*
 17 *1, 1999.*

18 **SEC. 646. POLICY ON INCREASING MINIMUM SURVIVOR**
 19 **BENEFIT PLAN BASIC ANNUITIES FOR SUR-**
 20 **VIVING SPOUSES AGE 62 OR OLDER.**

21 *It is the sense of Congress that there should be enacted*
 22 *during the 106th Congress legislation that increases the*
 23 *minimum basic annuities provided under the Survivor*
 24 *Benefit Plan for surviving spouses of members of the uni-*
 25 *formed services who are 62 years of age or older.*

1 **SEC. 647. SURVIVOR BENEFIT PLAN ANNUITIES FOR SUR-**
2 **VIVORS OF ALL MEMBERS WHO DIE ON AC-**
3 **TIVE DUTY.**

4 (a) *ENTITLEMENT.*—(1) *Subsection (d)(1) of section*
5 *1448 of title 10, United States Code, is amended to read*
6 *as follows:*

7 “(1) *SURVIVING SPOUSE ANNUITY.*—*The Sec-*
8 *retary concerned shall pay an annuity under this*
9 *subchapter to the surviving spouse of—*

10 “(A) *a member who dies on active duty*
11 *after—*

12 “(i) *becoming eligible to receive retired*
13 *pay;*

14 “(ii) *qualifying for retired pay except*
15 *that he has not applied for or been granted*
16 *that pay; or*

17 “(iii) *completing 20 years of active*
18 *service but before he is eligible to retire as*
19 *a commissioned officer because he has not*
20 *completed 10 years of active commissioned*
21 *service; or*

22 “(B) *a member not described in subpara-*
23 *graph (A) who dies on active duty, except in the*
24 *case of a member whose death, as determined by*
25 *the Secretary concerned—*

1 “(i) is a direct result of the member’s
2 intentional misconduct or willful neglect; or
3 “(ii) occurs during a period of unau-
4 thorized absence.”.

5 (2) The heading for subsection (d) of such section is
6 amended by striking “RETIREMENT-ELIGIBLE”.

7 (b) AMOUNT OF ANNUITY.—Section 1451(c)(1) of such
8 title is amended to read as follows:

9 “(1) IN GENERAL.—In the case of an annuity
10 provided under section 1448(d) or 1448(f) of this title,
11 the amount of the annuity shall be determined as fol-
12 lows:

13 “(A) BENEFICIARY UNDER 62 YEARS OF
14 AGE.—If the person receiving the annuity is
15 under 62 years of age or is a dependent child
16 when the member or former member dies, the
17 monthly annuity shall be the amount equal to 55
18 percent of the retired pay imputed to the member
19 or former member. The retired pay imputed to a
20 member or former member is as follows:

21 “(i) Except in a case described in
22 clause (ii), the retired pay to which the
23 member or former member would have been
24 entitled if the member or former member

1 *had been entitled to that pay based upon*
2 *his years of active service when he died.*

3 “(ii) *In the case of a deceased member*
4 *referred to in subparagraph (A)(iii) or (B)*
5 *of section 1448(d)(1) of this title, the retired*
6 *pay to which the member or former member*
7 *would have been entitled if the member had*
8 *been entitled to that pay based upon a re-*
9 *tirement under section 1201 of this title (if*
10 *on active duty for more than 30 days when*
11 *the member died) or section 1204 of this*
12 *title (if on active duty for 30 days or less*
13 *when the member died) for a disability*
14 *rated as total.*

15 “(B) *BENEFICIARY 62 YEARS OF AGE OR*
16 *OLDER.—*

17 “(i) *GENERAL RULE.—If the person re-*
18 *ceiving the annuity (other than a dependent*
19 *child) is 62 years of age or older when the*
20 *member or former member dies, the monthly*
21 *annuity shall be the amount equal to 35*
22 *percent of the retired pay imputed to the*
23 *member or former member as described in*
24 *clause (i) or (ii) of the second sentence of*
25 *subparagraph (A).*

1 “(i) *RULE IF BENEFICIARY ELIGIBLE*
 2 *FOR SOCIAL SECURITY OFFSET COMPUTA-*
 3 *TION.—If the beneficiary is eligible to have*
 4 *the annuity computed under subsection (e)*
 5 *and if, at the time the beneficiary becomes*
 6 *entitled to the annuity, computation of the*
 7 *annuity under that subsection is more fa-*
 8 *vorable to the beneficiary than computation*
 9 *under clause (i), the annuity shall be com-*
 10 *puted under that subsection rather than*
 11 *under clause (i).”.*

12 (c) *EFFECTIVE DATE.—This section and the amend-*
 13 *ments made by this section shall take effect on October 1,*
 14 *2000, and shall apply with respect to deaths occurring on*
 15 *or after that date.*

16 **SEC. 648. FAMILY COVERAGE UNDER SERVICEMEMBERS’**
 17 **GROUP LIFE INSURANCE.**

18 (a) *INSURABLE DEPENDENTS.—Section 1965 of title*
 19 *38, United States Code, is amended by adding at the end*
 20 *the following:*

21 “(10) *The term ‘insurable dependent’, with re-*
 22 *spect to a member, means the following:*

23 “(A) *The member’s spouse.*

24 “(B) *A child of the member for so long as*
 25 *the child is unmarried and the member is pro-*

1 *viding over 50 percent of the support of the*
2 *child.”.*

3 *(b) INSURANCE COVERAGE.—(1) Subsection (a) of sec-*
4 *tion 1967 of title 38, United States Code, is amended to*
5 *read as follows:*

6 *“(a)(1) Subject to an election under paragraph (2), any*
7 *policy of insurance purchased by the Secretary under sec-*
8 *tion 1966 of this title shall automatically insure the fol-*
9 *lowing persons against death:*

10 *“(A) In the case of any member of a uniformed*
11 *service on active duty (other than active duty for*
12 *training)—*

13 *“(i) the member; and*

14 *“(ii) each insurable dependent of the mem-*
15 *ber.*

16 *“(B) Any member of a uniformed service on active*
17 *duty for training or inactive duty training scheduled*
18 *in advance by competent authority.*

19 *“(C) Any member of the Ready Reserve of a uni-*
20 *formed service who meets the qualifications set forth*
21 *in section 1965(5)(B) of this title.*

22 *“(2)(A) A member may elect in writing not to be in-*
23 *sured under this subchapter.*

1 “(B) A member referred to in subparagraph (A) may
2 also make either or both of the following elections in writ-
3 ing:

4 “(i) An election not to insure a dependent spouse
5 under this subchapter.

6 “(ii) An election to insure none of the member’s
7 children under this subchapter.

8 “(3)(A) Subject to an election under subparagraph
9 (B), the amount for which a person is insured under this
10 subchapter is as follows:

11 “(i) In the case of a member, \$200,000.

12 “(ii) In the case of a member’s spouse, the
13 amount equal to 50 percent of the amount for which
14 the member is insured under this subchapter.

15 “(iii) In the case of a member’s child, \$10,000.

16 “(B) A member may elect in writing to be insured or
17 to insure an insurable dependent in an amount less than
18 the amount provided under subparagraph (A). The amount
19 of insurance so elected shall, in the case of a member or
20 spouse, be evenly divisible by \$10,000 and, in the case of
21 a child, be evenly divisible by \$5,000.

22 “(4) No dependent of a member is insured under this
23 chapter unless the member is insured under this subchapter.

24 “(5) The insurance shall be effective with respect to
25 a member and the member’s dependents on the first day

1 of active duty or active duty for training, or the beginning
 2 of a period of inactive duty training scheduled in advance
 3 by competent authority, or the first day a member of the
 4 Ready Reserve meets the qualifications set forth in section
 5 1965(5)(B) of this title, or the date certified by the Sec-
 6 retary to the Secretary concerned as the date
 7 Servicemembers' Group Life Insurance under this sub-
 8 chapter for the class or group concerned takes effect, which-
 9 ever is the later date.”.

10 (2) Subsection (c) of such section is amended by strik-
 11 ing out the first sentence and inserting the following: “If
 12 a person eligible for insurance under this subchapter is not
 13 so insured, or is insured for less than the maximum amount
 14 provided for the person under subparagraph (A) of sub-
 15 section (a)(3), by reason of an election made by a member
 16 under subparagraph (B) of that subsection, the person may
 17 thereafter be insured under this subchapter in the maximum
 18 amount or any lesser amount elected as provided in such
 19 subparagraph (B) upon written application by the member,
 20 proof of good health of each person to be so insured, and
 21 compliance with such other terms and conditions as may
 22 be prescribed by the Secretary.”.

23 (c) *TERMINATION OF COVERAGE.*—(1) Subsection (a)
 24 of section 1968 of such title is amended—

1 (A) in the matter preceding paragraph (1), by
2 inserting “and any insurance thereunder on any in-
3 surable dependent of such a member,” after “ any in-
4 surance thereunder on any member of the uniformed
5 services,”;

6 (B) by striking “and” at the end of paragraph
7 (3);

8 (C) by striking the period at the end of para-
9 graph (4) and inserting “; and”; and

10 (D) by adding at the end the following:

11 “(5) with respect to an insurable dependent of
12 the member—

13 “(A) upon election made in writing by the
14 member to terminate the coverage; or

15 “(B) on the earlier of—

16 “(i) the date of the member’s death;

17 “(ii) the date of termination of the in-
18 surance on the member’s life under this sub-
19 chapter;

20 “(iii) the date of the dependent’s death;

21 or

22 “(iv) the termination of the depend-
23 ent’s status as an insurable dependent of the
24 member.

1 (2) Subsection (b)(1)(A) of such section is amended by
2 inserting “(to insure against death of the member only)”
3 after “converted to Veterans’ Group Life Insurance”.

4 (d) PREMIUMS.—Section 1969 of such title is amended
5 by adding at the end the following:

6 “(g)(1) During any period in which any insurable de-
7 pendent of a member is insured under this subchapter, there
8 shall be deducted each month from the member’s basic or
9 other pay until separation or release from active duty an
10 amount determined by the Secretary (which shall be the
11 same for all such members) as the premium allocable to the
12 pay period for providing that insurance coverage.

13 “(2)(A) The Secretary shall determine the premium
14 amounts to be charged for life insurance coverage for de-
15 pendents of members under this subchapter.

16 “(B) The premium amounts shall be determined on the
17 basis of sound actuarial principles and shall include an
18 amount necessary to cover the administrative costs to the
19 insurer or insurers providing such insurance.

20 “(C) Each premium rate for the first policy year shall
21 be continued for subsequent policy years, except that the
22 rate may be adjusted for any such subsequent policy year
23 on the basis of the experience under the policy, as deter-
24 mined by the Secretary in advance of that policy year.

1 “(h) Any overpayment of a premium for insurance
2 coverage for an insurable dependent of a member that is
3 terminated under section 1968(a)(5) of this title shall be
4 refunded to the member.”.

5 (e) *PAYMENTS OF INSURANCE PROCEEDS.*—Section
6 1970 of such title is amended by adding at the end the fol-
7 lowing:

8 “(h) Any amount of insurance in force on an insurable
9 dependent of a member under this subchapter on the date
10 of the dependent’s death shall be paid, upon the establish-
11 ment of a valid claim therefor, to the member or, in the
12 event of the member’s death before payment to the member
13 can be made, then to the person or persons entitled to receive
14 payment of the proceeds of insurance on the member’s life
15 under this subchapter.”.

16 (f) *EFFECTIVE DATE AND INITIAL IMPLEMENTA-*
17 *TION.*—(1) This section and the amendments made by this
18 section shall take effect on the first day of the first month
19 that begins more than 120 days after the date of the enact-
20 ment of this Act, except that paragraph (2) shall take effect
21 on the date of the enactment of this Act.

22 (2) The Secretary of Veterans Affairs, in consultation
23 with the Secretaries of the military departments, the Sec-
24 retary of Transportation, the Secretary of Commerce and
25 the Secretary of Health and Human Services, shall take

1 *such action as is necessary to ensure that each member of*
 2 *the uniformed services on active duty (other than active*
 3 *duty for training) during the period between the date of*
 4 *the enactment of this Act and the effective date determined*
 5 *under paragraph (1) is furnished an explanation of the in-*
 6 *surance benefits available for dependents under the amend-*
 7 *ments made by this section and is afforded an opportunity*
 8 *before such effective date to make elections that are author-*
 9 *ized under those amendments to be made with respect to*
 10 *dependents.*

11 **SEC. 649. FEES PAID BY RESIDENTS OF THE ARMED FORCES**

12 **RETIREMENT HOME.**

13 (a) *NAVAL HOME.*—Section 1514 of the Armed Forces
 14 Retirement Home Act of 1991 (24 U.S.C. 414) is amended
 15 by striking subsection (d) and inserting the following:

16 “(d) *NAVAL HOME.*—The monthly fee required to be
 17 paid by a resident of the Naval Home under subsection (a)
 18 shall be as follows:

19 “(1) *For a resident in an independent living sta-*
 20 *tus, \$500.*

21 “(2) *For a resident in an assisted living status,*
 22 *\$750.*

23 “(3) *For a resident of a skilled nursing facility,*
 24 *\$1,250.”.*

1 (b) *UNITED STATES SOLDIERS' AND AIRMEN'S*
2 *HOME.*—*Subsection (c) of such section is amended—*

3 (1) *by striking “(c) FIXING FEES.—” and insert-*
4 *ing “(c) UNITED STATES SOLDIERS' AND AIRMEN'S*
5 *HOME.—”;*

6 (2) *in paragraph (1)—*

7 (A) *by striking “the fee required by sub-*
8 *section (a) of this section” and inserting “the fee*
9 *required to be paid by residents of the United*
10 *States Soldiers' and Airmen's Home under sub-*
11 *section (a)”;* and

12 (B) *by striking “needs of the Retirement*
13 *Home” and inserting “needs of that establish-*
14 *ment”;* and

15 (3) *in paragraph (2), by striking the second sen-*
16 *tence.*

17 (c) *SAVINGS PROVISION.*—*Such section is further*
18 *amended by adding at the end the following:*

19 “(e) *RESIDENTS BEFORE FISCAL YEAR 2001.*—*A resi-*
20 *dent of the Retirement Home on September 30, 2000, may*
21 *not be charged a monthly fee under this section in an*
22 *amount that exceeds the amount of the monthly fee charged*
23 *that resident for the month of September 2000.”.*

24 (d) *EFFECTIVE DATE.*—*The amendments made by this*
25 *section shall take effect on October 1, 2000.*

1 **SEC. 650. COMPUTATION OF SURVIVOR BENEFITS.**

2 (a) *INCREASED BASIC ANNUITY.*—(1) Subsection
3 (a)(1)(B)(i) of section 1451 of title 10, United States Code,
4 is amended by striking “35 percent of the base amount.”
5 and inserting “the product of the base amount and the per-
6 cent applicable for the month. The percent applicable for
7 a month is 35 percent for months beginning on or before
8 the date of the enactment of the National Defense Authoriza-
9 tion Act for Fiscal Year 2001, 40 percent for months begin-
10 ning after such date and before October 2004, and 45 per-
11 cent for months beginning after September 2004.”.

12 (2) Subsection (a)(2)(B)(i)(I) of such section is amend-
13 ed by striking “35 percent” and inserting “the percent spec-
14 ified under subsection (a)(1)(B)(i) as being applicable for
15 the month”.

16 (3) Subsection (c)(1)(B)(i) of such section is
17 amended—

18 (A) by striking “35 percent” and inserting “the
19 applicable percent”; and

20 (B) by adding at the end the following: “The
21 percent applicable for a month under the preceding
22 sentence is the percent specified under subsection
23 (a)(1)(B)(i) as being applicable for the month.”.

24 (4) The heading for subsection (d)(2)(A) of such section
25 is amended to read as follows: “COMPUTATION OF ANNU-
26 ITY.—”.

1 (b) *ADJUSTED SUPPLEMENTAL ANNUITY.*—Section
2 1457(b) of title 10, United States Code, is amended—

3 (1) by striking “5, 10, 15, or 20 percent” and
4 inserting “the applicable percent”; and

5 (2) by inserting after the first sentence the fol-
6 lowing: “The percent used for the computation shall
7 be an even multiple of 5 percent and, whatever the
8 percent specified in the election, may not exceed 20
9 percent for months beginning on or before the date of
10 the enactment of the National Defense Authorization
11 Act for Fiscal Year 2001, 15 percent for months be-
12 ginning after that date and before October 2004, and
13 10 percent for months beginning after September
14 2004.”.

15 (c) *RECOMPUTATION OF ANNUITIES.*—(1) *Effective on*
16 *the first day of each month referred to in paragraph (2)—*

17 (A) *each annuity under section 1450 of title 10,*
18 *United States Code, that commenced before that*
19 *month, is computed under a provision of section 1451*
20 *of that title amended by subsection (a), and is pay-*
21 *able for that month shall be recomputed so as to be*
22 *equal to the amount that would be in effect if the per-*
23 *cent applicable for that month under that provision,*
24 *as so amended, had been used for the initial computa-*
25 *tion of the annuity; and*

1 (B) each supplemental survivor annuity under
2 section 1457 of such title that commenced before that
3 month and is payable for that month shall be recom-
4 puted so as to be equal to the amount that would be
5 in effect if the percent applicable for that month
6 under that section, as amended by this section, had
7 been used for the initial computation of the supple-
8 mental survivor annuity.

9 (2) The requirements for recomputation of annuities
10 under paragraph (1) apply with respect to the following
11 months:

12 (A) The first month that begins after the date of
13 the enactment of this Act.

14 (B) October 2004.

15 (d) *RECOMPUTATION OF RETIRED PAY REDUCTIONS*
16 *FOR SUPPLEMENTAL SURVIVOR ANNUITIES.*—The Sec-
17 retary of Defense shall take such actions as are necessitated
18 by the amendments made by subsection (b) and the require-
19 ments of subsection (c)(1)(B) to ensure that the reductions
20 in retired pay under section 1460 of title 10, United States
21 Code, are adjusted to achieve the objectives set forth in sub-
22 section (b) of that section.

1 **SEC. 651. EQUITABLE APPLICATION OF EARLY RETIREMENT**
2 **ELIGIBILITY REQUIREMENTS TO MILITARY**
3 **RESERVE TECHNICIANS.**

4 (a) *TECHNICIANS COVERED BY FERS.*—Paragraph
5 (1) of section 8414(c) of title 5, United States Code, is
6 amended by striking “after becoming 50 years of age and
7 completing 25 years of service” and inserting “after com-
8 pleting 25 years of service or after becoming 50 years of
9 age and completing 20 years of service”.

10 (b) *TECHNICIANS COVERED BY CSRS.*—Section 8336
11 of title 5, United States Code, is amended by adding at
12 the end the following new subsection:

13 “(p) Section 8414(c) of this title applies—

14 “(1) under paragraph (1) of such section to a
15 military reserve technician described in that para-
16 graph for purposes of determining entitlement to an
17 annuity under this subchapter; and

18 “(2) under paragraph (2) of such section to a
19 military technician (dual status) described in that
20 paragraph for purposes of determining entitlement to
21 an annuity under this subchapter.”.

22 (c) *TECHNICAL AMENDMENT.*—Section 1109(a)(2) of
23 Public Law 105–261 (112 Stat. 2143) is amended by strik-
24 ing “adding at the end” and inserting “inserting after sub-
25 section (n)”.

1 (d) *APPLICABILITY*.—Subsection (c) of section 8414 of
 2 such title (as amended by subsection (a)), and subsection
 3 (p) of section 8336 of title 5, United States Code (as added
 4 by subsection (b)), shall apply according to the provisions
 5 thereof with respect to separations from service referred to
 6 in such subsections that occur on or after October 5, 1999.

7 **SEC. 652. CONCURRENT PAYMENT TO SURVIVING SPOUSES**
 8 **OF DISABILITY AND INDEMNITY COMPENSA-**
 9 **TION AND ANNUITIES UNDER SURVIVOR BEN-**
 10 **EFIT PLAN.**

11 (a) *CONCURRENT PAYMENT*.—Section 1450 of title 10,
 12 United States Code, is amended by striking subsection (c).

13 (b) *CONFORMING AMENDMENTS*.—That section is fur-
 14 ther amended by striking subsections (e) and (k).

15 (c) *EFFECTIVE DATE*.—The amendments made by this
 16 section shall take effect on the date of the enactment of this
 17 Act, and shall apply with respect to the payment of annu-
 18 ities under the Survivor Benefit Plan under subchapter II
 19 of chapter 73 of title 10, United States Code, for months
 20 beginning on or after that date.

21 (d) *RECOMPUTATION OF ANNUITIES*.—The Secretary
 22 of Defense shall provide for the readjustment of any annu-
 23 ities to which subsection (c) of section 1450 of title 10,
 24 United States Code, applies as of the date before the date

1 *of the enactment of this Act, as if the adjustment otherwise*
 2 *provided for under such subsection (c) had never been made.*

3 *(e) PROHIBITION ON RETROACTIVE BENEFITS.—No*
 4 *benefits shall be paid to any person by virtue of the amend-*
 5 *ments made by this section for any period before the effec-*
 6 *tive date of the amendments as specified in subsection (c).*

7 ***Subtitle E—Other Matters***

8 ***SEC. 661. REIMBURSEMENT OF RECRUITING AND ROTC***
 9 ***PERSONNEL FOR PARKING EXPENSES.***

10 *(a) IN GENERAL.—Chapter 53 of title 10, United*
 11 *States Code, is amended by inserting after section 1053 the*
 12 *following new section:*

13 ***“§ 1053a. Reimbursement of recruiting and ROTC per-***
 14 ***sonnel: parking expenses***

15 *“(a) AUTHORITY.—The Secretary concerned may,*
 16 *under regulations prescribed by the Secretary of Defense,*
 17 *reimburse eligible Department of Defense personnel for ex-*
 18 *penses incurred for parking a privately owned vehicle at*
 19 *a place of duty.*

20 *“(b) ELIGIBILITY.—A member of the armed forces or*
 21 *employee of the Department of Defense is eligible for reim-*
 22 *bursment under subsection (a) while—*

23 *“(1) assigned to duty as a recruiter for any of*
 24 *the armed forces;*

1 “(2) assigned to duty at a military entrance
2 processing facility of the armed forces; or

3 “(3) detailed for instructional and administra-
4 tive duties at any institution where a unit of the Sen-
5 ior Reserve Officers’ Training Corps is maintained.”.

6 (b) *CLERICAL AMENDMENT.*—The table of sections at
7 the beginning of such chapter is amended by inserting after
8 the item relating to section 1053 the following:

 “1053a. Reimbursement of recruiting and ROTC personnel: parking expenses.”.

9 **SEC. 662. EXTENSION OF DEADLINE FOR FILING CLAIMS AS-**
10 **SOCIATED WITH CAPTURE AND INTERNMENT**
11 **OF CERTAIN PERSONS BY NORTH VIETNAM.**

12 Section 657(d)(1) of the National Defense Authoriza-
13 tion Act for Fiscal Year 1997 (Public Law 104–201; 110
14 Stat. 2585) is amended by adding at the end the following:
15 “The Secretary may extend the time limitation under the
16 preceding sentence for up to 18 months in the case of any
17 claim for which the Secretary determines that the extension
18 is necessary to prevent an injustice or that a failure to file
19 within the time limitation is due to excusable neglect.”.

20 **SEC. 663. SETTLEMENT OF CLAIMS FOR PAYMENTS FOR UN-**
21 **USED ACCRUED LEAVE AND FOR RETIRED**
22 **PAY.**

23 (a) *CLAIMS FOR PAYMENTS FOR UNUSED ACCRUED*
24 *LEAVE.*—Subsection (a)(1) of section 3702 of title 31,

1 *United States Code, is amended by inserting “payments for*
 2 *unused accrued leave,” after “transportation,”.*

3 (b) *WAIVER OF TIME LIMITATIONS.—Subsection (e)(1)*
 4 *of such section is amended by striking “claim for pay or*
 5 *allowances under title 37” and inserting “claim for pay,*
 6 *allowances, or payment for unused accrued leave under title*
 7 *37 or a claim for retired pay under title 10”.*

8 **SEC. 664. ELIGIBILITY OF CERTAIN MEMBERS OF THE INDIVIDUAL READY RESERVE FOR SERVICE-**
 9 **MEMBERS’ GROUP LIFE INSURANCE.**
 10

11 *Section 1965(5) of title 38, United States Code, is*
 12 *amended—*

13 (1) *by striking “and” at the end of subpara-*
 14 *graph (B);*

15 (2) *by redesignating subparagraph (C) as sub-*
 16 *paragraph (D); and*

17 (3) *by inserting after subparagraph (B) the fol-*
 18 *lowing new subparagraph (C):*

19 “(C) *a person who volunteers for assign-*
 20 *ment to a category in the Individual Ready Re-*
 21 *serve of a uniformed service that is subject to an*
 22 *involuntary call to active duty under section*
 23 *12304 of title 10; and”.*

1 **SEC. 665. AUTHORITY TO PAY GRATUITY TO CERTAIN VET-**
 2 **ERANS OF BATAAN AND CORREGIDOR.**

3 (a) *PAYMENT OF GRATUITY AUTHORIZED.*—*The Sec-*
 4 *retary of Veterans Affairs may pay a gratuity to a covered*
 5 *veteran, or to the surviving spouse of a covered veteran, in*
 6 *the amount of \$20,000.*

7 (b) *COVERED VETERAN DEFINED.*—*For purposes of*
 8 *subsection (a), the term “covered veteran” means any vet-*
 9 *eran of the Armed Forces who—*

10 (1) *served at Bataan or Corregidor in the Phil-*
 11 *ippines during World War II;*

12 (2) *was captured and held as a prisoner of war*
 13 *by Japan as a result of such service; and*

14 (3) *was required by Japan to perform slave*
 15 *labor in Japan during World War II.*

16 (c) *RELATIONSHIP TO OTHER PAYMENTS.*—*Any*
 17 *amount paid a person under this section for activity de-*
 18 *scribed in subsection (b) is in addition to any other amount*
 19 *paid such person for such activity under any other provi-*
 20 *sion of law.*

21 **SEC. 666. CONCURRENT PAYMENT OF RETIRED PAY AND**
 22 **COMPENSATION FOR RETIRED MEMBERS**
 23 **WITH SERVICE-CONNECTED DISABILITIES.**

24 (a) *CONCURRENT PAYMENT.*—*Section 5304(a) of title*
 25 *38, United States Code, is amended by adding at the end*
 26 *the following new paragraph:*

1 “(3) Notwithstanding the provisions of paragraph (1)
 2 and section 5305 of this title, compensation under chapter
 3 11 of this title may be paid to a person entitled to receive
 4 retired or retirement pay described in such section 5305
 5 concurrently with such person’s receipt of such retired or
 6 retirement pay.”.

7 (b) *EFFECTIVE DATE.*—The amendment made by sub-
 8 section (a) shall take effect on the date of the enactment
 9 of this Act, and apply with respect to payments of com-
 10 pensation for months beginning on or after that date.

11 (c) *PROHIBITION ON RETROACTIVE BENEFITS.*—No
 12 benefits shall be paid to any person by virtue of the amend-
 13 ment made by subsection (a) for any period before the effec-
 14 tive date of this Act as specified in subsection (b).

15 **SEC. 667. TRAVEL BY RESERVES ON MILITARY AIRCRAFT TO**
 16 **AND FROM LOCATIONS OUTSIDE THE CONTI-**
 17 **NENTAL UNITED STATES FOR INACTIVE-DUTY**
 18 **TRAINING.**

19 (a) *SPACE-REQUIRED TRAVEL.*—Subsection (a) of sec-
 20 tion 18505 of title 10, United States Code, is amended—

21 (1) by inserting “residence or” after “In the case
 22 of a member of a reserve component whose”; and

23 (2) by inserting after “(including a place” the
 24 following: “of inactive-duty training”.

1 (b) *CLERICAL AMENDMENTS.*—(1) *The heading of such*
 2 *section is amended to read as follows:*

3 “§ 18505. **Space-required travel: Reserves traveling to**
 4 **inactive-duty training**”.

5 (2) *The item relating to such section in the table of*
 6 *sections at the beginning of such chapter is amended to read*
 7 *as follows:*

“18505. *Space-required travel: Reserves traveling to inactive-duty training.*”.

8 **SEC. 668. ADDITIONAL BENEFITS AND PROTECTIONS FOR**
 9 **PERSONNEL INCURRING INJURY, ILLNESS,**
 10 **OR DISEASE IN THE PERFORMANCE OF FU-**
 11 **NERAL HONORS DUTY.**

12 (a) *INCAPACITATION PAY.*—Section 204 of title 37,
 13 *United States Code, is amended—*

14 (1) *in subsection (g)(1)—*

15 (A) *by striking “or” at the end of subpara-*
 16 *graph (C);*

17 (B) *by striking the period at the end of sub-*
 18 *paragraph (D) and inserting “; or”; and*

19 (C) *by adding at the end the following:*

20 “(E) *in line of duty while—*

21 “(i) *serving on funeral honors duty under*
 22 *section 12503 of this title or section 115 of title*
 23 *32;*

24 “(ii) *traveling to or from the place at which*
 25 *the duty was to be performed; or*

1 “(iii) remaining overnight at or in the vi-
 2 cinity of that place immediately before so serv-
 3 ing, if the place is outside reasonable commuting
 4 distance from the member’s residence.”; and
 5 (2) in subsection (h)(1)—

6 (A) by striking “or” at the end of subpara-
 7 graph (C);

8 (B) by striking the period at the end of sub-
 9 paragraph (D) and inserting “; or”; and

10 (C) by adding at the end the following:

11 “(E) in line of duty while—

12 “(i) serving on funeral honors duty under
 13 section 12503 of this title or section 115 of title
 14 32;

15 “(ii) traveling to or from the place at which
 16 the duty was to be performed; or

17 “(iii) remaining overnight at or in the vi-
 18 cinity of that place immediately before so serv-
 19 ing, if the place is outside reasonable commuting
 20 distance from the member’s residence.”.

21 (b) *TORT CLAIMS*.—Section 2671 of title 28, *United*
 22 *States Code*, is amended by inserting “115,” in the second
 23 paragraph after “members of the National Guard while en-
 24 gaged in training or duty under section”.

1 (c) *APPLICABILITY.*—(1) *The amendments made by*
 2 *subsection (a) shall apply with respect to months beginning*
 3 *on or after the date of the enactment of this Act.*

4 (2) *The amendment made by subsection (b) shall apply*
 5 *with respect to acts and omissions occurring before, on, or*
 6 *after the date of the enactment of this Act.*

7 **SEC. 669. DETERMINATIONS OF INCOME ELIGIBILITY FOR**
 8 **SPECIAL SUPPLEMENTAL FOOD PROGRAM.**

9 *Section 1060a(c)(1)(B) of title 10, United States Code,*
 10 *is amended by striking the second sentence and inserting*
 11 *the following: “In the application of such criterion, the Sec-*
 12 *retary shall exclude from income any basic allowance for*
 13 *housing as permitted under section 17(d)(2)(B) of the Child*
 14 *Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)).”.*

15 **SEC. 670. MODIFICATION OF TIME FOR USE BY CERTAIN**
 16 **MEMBERS OF THE SELECTED RESERVE OF**
 17 **ENTITLEMENT TO EDUCATIONAL ASSIST-**
 18 **ANCE.**

19 (a) *IN GENERAL.*—*Subsection (a) of section 16133 of*
 20 *title 10, United States Code, is amended by striking “(1*
 21 *at the end” and all that follows through the end and insert-*
 22 *ing “on the date the person is separated from the Selected*
 23 *Reserve.”.*

24 (b) *CERTAIN MEMBERS.*—*Paragraph (1) of subsection*
 25 *(b) of that section is amended in the flush matter following*

1 *subparagraph (B) by striking “shall be determined” and*
 2 *all that follows through the end and inserting “shall expire*
 3 *on the later of (i) the 10-year period beginning on the date*
 4 *on which such person becomes entitled to educational assist-*
 5 *ance under this chapter, or (ii) the end of the 4-year period*
 6 *beginning on the date such person is separated from, or*
 7 *ceases to be, a member of the Selected Reserve.”.*

8 (c) *CONFORMING AMENDMENTS.—Subsection (b) of*
 9 *that section is further amended—*

10 (1) *in paragraph (2), by striking “subsection*
 11 *(a)” and inserting “subsections (a) and (b)(1)”;*

12 (2) *in paragraph (3), by striking “subsection*
 13 *(a)” and inserting “subsection (b)(1)”;* and

14 (3) *in paragraph (4)—*

15 (A) *in subparagraph (A), by striking “sub-*
 16 *section (a)” and inserting “subsections (a) and*
 17 *(b)(1)”;* and

18 (B) *in subparagraph (B), by striking*
 19 *“clause (2) of such subsection” and inserting*
 20 *“subsection (a)”.*

21 **SEC. 671. RECOGNITION OF MEMBERS OF THE ALASKA TER-**
 22 **RITORIAL GUARD AS VETERANS.**

23 (a) *IN GENERAL.—Section 106 of title 38, United*
 24 *States Code, is amended by adding at the end the following*
 25 *new subsection:*

1 “(f) *Service as a member of the Alaska Territorial*
 2 *Guard during World War II of any individual who was*
 3 *honorably discharged therefrom under section 656(b) of the*
 4 *National Defense Authorization Act for Fiscal Year 2001*
 5 *shall be considered active duty for purposes of all laws ad-*
 6 *ministered by the Secretary.”.*

7 (b) *DISCHARGE.—(1) The Secretary of Defense shall*
 8 *issue to each individual who served as a member of the Alas-*
 9 *ka Territorial Guard during World War II a discharge*
 10 *from such service under honorable conditions if the Sec-*
 11 *retary determines that the nature and duration of the serv-*
 12 *ice of the individual so warrants.*

13 (2) *A discharge under paragraph (1) shall designate*
 14 *the date of discharge. The date of discharge shall be the date,*
 15 *as determined by the Secretary, of the termination of service*
 16 *of the individual concerned as described in that paragraph.*

17 (c) *PROHIBITION ON RETROACTIVE BENEFITS.—No*
 18 *benefits shall be paid to any individual for any period be-*
 19 *fore the date of the enactment of this Act by reason of the*
 20 *enactment of this section.*

21 **SEC. 672. CLARIFICATION OF DEPARTMENT OF VETERANS**

22 **AFFAIRS DUTY TO ASSIST.**

23 (a) *IN GENERAL.—Section 5107 of title 38, United*
 24 *States Code, is amended to read as follows:*

1 **“§ 5107 Assistance to claimants; benefit of the doubt;**
2 **burden of proof**

3 “(a) *The Secretary shall assist a claimant in devel-*
4 *oping all facts pertinent to a claim for benefits under this*
5 *title. Such assistance shall include requesting information*
6 *as described in section 5106 of this title. The Secretary shall*
7 *provide a medical examination when such examination*
8 *may substantiate entitlement to the benefits sought. The*
9 *Secretary may decide a claim without providing assistance*
10 *under this subsection when no reasonable possibility exists*
11 *that such assistance will aid in the establishment of entitle-*
12 *ment.*

13 “(b) *The Secretary shall consider all evidence and ma-*
14 *terial of record in a case before the Department with respect*
15 *to benefits under laws administered by the Secretary and*
16 *shall give the claimant the benefit of the doubt when there*
17 *is an approximate balance of positive and negative evidence*
18 *regarding any issue material to the determination of the*
19 *matter.*

20 “(c) *Except when otherwise provided by this title or*
21 *by the Secretary in accordance with the provisions of this*
22 *title, a person who submits a claim for benefits under a*
23 *law administered by the Secretary shall have the burden*
24 *of proof.”.*

25 (b) *CLERICAL AMENDMENT.—The table of sections at*
26 *the beginning of chapter 51 of that title is amended by strik-*

1 *ing the item relating to section 5017 and inserting the fol-*
 2 *lowing new item:*

“5107 Assistance to claimants; benefit of the doubt; burden of proof.”.

3 **SEC. 673. BACK PAY FOR MEMBERS OF THE NAVY AND MA-**
 4 **RINE CORPS APPROVED FOR PROMOTION**
 5 **WHILE INTERNED AS PRISONERS OF WAR**
 6 **DURING WORLD WAR II.**

7 (a) *ENTITLEMENT OF FORMER PRISONERS OF WAR.—*
 8 *Upon receipt of a claim made in accordance with this sec-*
 9 *tion, the Secretary of the Navy shall pay back pay to a*
 10 *claimant who, by reason of being interned as a prisoner*
 11 *of war while serving as a member of the Navy or the Marine*
 12 *Corps during World War II, was not available to accept*
 13 *a promotion for which the claimant was approved.*

14 (b) *PROPER CLAIMANT FOR DECEASED FORMER MEM-*
 15 *BER.—In the case of a person described in subsection (a)*
 16 *who is deceased, the back pay for that deceased person under*
 17 *this section shall be paid to a member or members of the*
 18 *family of the deceased person determined appropriate in the*
 19 *same manner as is provided in section 6(c) of the War*
 20 *Claims Act of 1948 (50 U.S.C. App. 2005(c)).*

21 (c) *AMOUNT OF BACK PAY.—The amount of back pay*
 22 *payable to or for a person described in subsection (a) is*
 23 *the amount equal to the excess of—*

24 (1) *the total amount of basic pay that would*
 25 *have been paid to that person for service in the Navy*

1 *or the Marine Corps if the person had been promoted*
2 *on the date on which the promotion was approved,*
3 *over*

4 *(2) the total amount of basic pay that was paid*
5 *to or for that person for such service on and after that*
6 *date.*

7 *(d) TIME LIMITATIONS.—(1) To be eligible for a pay-*
8 *ment under this section, a claimant must file a claim for*
9 *such payment with the Secretary of Defense within two*
10 *years after the effective date of the regulations implementing*
11 *this section.*

12 *(2) Not later than 18 months after receiving a claim*
13 *for payment under this section, the Secretary shall deter-*
14 *mine the eligibility of the claimant for payment of the*
15 *claim. Subject to subsection (f), if the Secretary determines*
16 *that the claimant is eligible for the payment, the Secretary*
17 *shall promptly pay the claim.*

18 *(e) REGULATIONS.—The Secretary of Defense shall*
19 *prescribe regulations to carry out this section. Such regula-*
20 *tions shall include procedures by which persons may submit*
21 *claims for payment under this section. Such regulations*
22 *shall be prescribed not later than six months after the date*
23 *of the enactment of this Act.*

24 *(f) LIMITATION ON DISBURSEMENT.—(1) Notwith-*
25 *standing any power of attorney, assignment of interest, con-*

1 *tract, or other agreement, the actual disbursement of a pay-*
2 *ment under this section may be made only to each person*
3 *who is eligible for the payment under subsection (a) or (b)*
4 *and only—*

5 *(A) upon the appearance of that person, in per-*
6 *son, at any designated disbursement office in the*
7 *United States or its territories; or*

8 *(B) at such other location or in such other man-*
9 *ner as that person may request in writing.*

10 *(2) In the case of a claim approved for payment but*
11 *not disbursed as a result of operation of paragraph (1), the*
12 *Secretary of Defense shall hold the funds in trust for the*
13 *person in an interest bearing account until such time as*
14 *the person makes an election under such paragraph.*

15 *(g) ATTORNEY FEES.—Notwithstanding any contract,*
16 *the representative of a person may not receive, for services*
17 *rendered in connection with the claim of, or with respect*
18 *to, a person under this section, more than 10 percent of*
19 *the amount of a payment made under this section on that*
20 *claim.*

21 *(h) OUTREACH.—The Secretary of the Navy shall take*
22 *such actions as are necessary to ensure that the benefits and*
23 *eligibility for benefits under this section are widely pub-*
24 *licized by means designed to provide actual notice of the*

1 *availability of the benefits in a timely manner to the max-*
 2 *imum number of eligible persons practicable.*

3 *(i) DEFINITION.—In this section, the term “World War*
 4 *II” has the meaning given the term in section 101(8) of*
 5 *title 38, United States Code.*

6 ***Subtitle F—Education Benefits***

7 ***SEC. 681. SHORT TITLE.***

8 *This subtitle may be cited as the “Helping Our Profes-*
 9 *sionals Educationally (HOPE) Act of 2000”.*

10 ***SEC. 682. TRANSFER OF ENTITLEMENT TO EDUCATIONAL***

11 ***ASSISTANCE BY CERTAIN MEMBERS OF THE***

12 ***ARMED FORCES.***

13 *(a) AUTHORITY TO TRANSFER TO FAMILY MEM-*
 14 *BERS.—(1) Subchapter II of chapter 30 of title 38, United*
 15 *States Code, is amended by adding at the end the following*
 16 *new section:*

17 ***“§ 3020. Transfer of entitlement to basic educational***

18 ***assistance: members of the Armed Forces***

19 *“(a)(1) Subject to the provisions of this section, the*
 20 *Secretary of each military department may, for the purpose*
 21 *of enhancing recruiting and retention and at such Sec-*
 22 *retary’s sole discretion, permit an individual described in*
 23 *paragraph (2) who is entitled to basic educational assist-*
 24 *ance under this subchapter to elect to transfer such individ-*

1 *ual's entitlement to such assistance, in whole or in part,*
2 *to the dependents specified in subsection (b).*

3 “(2) *An individual referred to in paragraph (1) is any*
4 *individual who is a member of the Armed Forces at the*
5 *time of the approval by the Secretary of the military de-*
6 *partment concerned of the individual's request to transfer*
7 *entitlement to educational assistance under this section.*

8 “(3) *The Secretary of the military department con-*
9 *cerned may not approve an individual's request to transfer*
10 *entitlement to educational assistance under this section*
11 *until the individual has completed six years of service in*
12 *the Armed Forces.*

13 “(4) *Subject to the time limitation for use of entitle-*
14 *ment under section 3031 of this title, an individual ap-*
15 *proved to transfer entitlement to educational assistance*
16 *under this section may transfer such entitlement at any*
17 *time after the approval of individual's request to transfer*
18 *such entitlement without regard to whether the individual*
19 *is a member of the Armed Forces when the transfer is exe-*
20 *cuted.*

21 “(b) *An individual approved to transfer an entitle-*
22 *ment to basic educational assistance under this section may*
23 *transfer the individual's entitlement to such assistance as*
24 *follows:*

25 “(1) *To the individual's spouse.*

1 “(2) *To one or more of the individual’s children.*

2 “(3) *To a combination of the individuals referred*
3 *to in paragraphs (1) and (2).*

4 “(c)(1) *An individual transferring an entitlement to*
5 *basic educational assistance under this section shall—*

6 “(A) *designate the dependent or dependents to*
7 *whom such entitlement is being transferred and the*
8 *percentage of such entitlement to be transferred to*
9 *each such dependent; and*

10 “(B) *specify the period for which the transfer*
11 *shall be effective for each dependent designated under*
12 *subparagraph (A).*

13 “(2) *The aggregate amount of the entitlement transfer-*
14 *able by an individual under this section may not exceed*
15 *the aggregate amount of the entitlement of such individual*
16 *to basic educational assistance under this subchapter.*

17 “(3) *An individual transferring an entitlement under*
18 *this section may modify or revoke the transfer at any time*
19 *before the use of the transferred entitlement begins. An indi-*
20 *vidual shall make the modification or revocation by submit-*
21 *ting written notice of the action to the Secretary of the mili-*
22 *tary department concerned.*

23 “(d)(1) *A dependent to whom entitlement to edu-*
24 *cational assistance is transferred under this section may*
25 *not commence the use of the transferred entitlement until*

1 *the completion by the individual making the transfer of 10*
2 *years of service in the Armed Forces.*

3 “(2) *The use of any entitlement transferred under this*
4 *section shall be charged against the entitlement of the indi-*
5 *vidual making the transfer at the rate of one month for*
6 *each month of transferred entitlement that is used.*

7 “(3) *Except as provided in under subsection (c)(1)(B)*
8 *and subject to paragraphs (4) and (5), a dependent to whom*
9 *entitlement is transferred under this section is entitled to*
10 *basic educational assistance under this subchapter in the*
11 *same manner and at the same rate as the individual from*
12 *whom the entitlement was transferred.*

13 “(4) *Notwithstanding section 3031 of this title, a child*
14 *to whom entitlement is transferred under this section may*
15 *not use any entitlement so transferred after attaining the*
16 *age of 26 years.*

17 “(5) *The administrative provisions of this chapter (in-*
18 *cluding the provisions set forth in section 3034(a)(1) of this*
19 *title) shall apply to the use of entitlement transferred under*
20 *this section, except that the dependent to whom the entitle-*
21 *ment is transferred shall be treated as the eligible veteran*
22 *for purposes of such provisions.*

23 “(e) *In the event of an overpayment of basic edu-*
24 *cational assistance with respect to a dependent to whom*
25 *entitlement is transferred under this section, the dependent*

1 *and the individual making the transfer shall be jointly and*
2 *severally liable to the United States for the amount of the*
3 *overpayment for purposes of section 3685 of this title.*

4 “(f) *The Secretary of a military department may ap-*
5 *prove transfers of entitlement to educational assistance*
6 *under this section in a fiscal year only to the extent that*
7 *appropriations for military personnel are available in the*
8 *fiscal year for purposes of making transfers of funds under*
9 *section 2006 of title 10 with respect to such transfers of enti-*
10 *tlement.*

11 “(g) *The Secretary of Defense shall prescribe regula-*
12 *tions for purposes of this section. Such regulations shall*
13 *specify the manner and effect of an election to modify or*
14 *revoke a transfer of entitlement under subsection (c)(3) and*
15 *shall specify the manner of the applicability of the adminis-*
16 *trative provisions referred to in subsection (d)(5) to a de-*
17 *pendent to whom entitlement is transferred under this sec-*
18 *tion.*

19 “(h)(1) *Not later than January 31, 2002, and each*
20 *year thereafter, each Secretary of a military department*
21 *shall submit to the Committees on Armed Services of the*
22 *Senate and House of Representatives a report on the trans-*
23 *fers of entitlement under this section that were approved*
24 *by such Secretary during the preceding year.*

25 “(2) *Each report shall set forth—*

1 “(A) the number of transfers of entitlement
2 under this section that were approved by such Sec-
3 retary during the preceding year; or

4 “(B) if no transfers of entitlement under this sec-
5 tion were approved by such Secretary during that
6 year, a justification for such Secretary’s decision not
7 to approve any such transfers of entitlement during
8 that year.”.

9 (2) The table of sections at the beginning of such chap-
10 ter is amended by inserting after the item relating to section
11 3019 the following new item:

“3020. Transfer of entitlement to basic educational assistance: members of the
Armed Forces.”.

12 (b) *TREATMENT UNDER DEPARTMENT OF DEFENSE*
13 *EDUCATION BENEFITS FUND.*—Section 2006(b)(2) of title
14 10, United States Code, is amended by adding at the end
15 the following:

16 “(D) The present value of the future benefits
17 payable from the Fund as a result of transfers
18 under section 3020 of title 38 of entitlement to
19 basic educational assistance under chapter 30 of
20 title 38.”

21 (c) *PLAN FOR IMPLEMENTATION.*—Not later than June
22 30, 2001, the Secretary of Defense shall submit to Congress
23 a report describing the manner in which the Secretaries of
24 the military departments propose to exercise the authority

1 *granted by section 3020 of title 38, United States Code, as*
2 *added by subsection (a).*

3 **SEC. 683. PARTICIPATION OF ADDITIONAL MEMBERS OF**
4 **THE ARMED FORCES IN MONTGOMERY GI**
5 **BILL PROGRAM.**

6 *(a) PARTICIPATION AUTHORIZED.—(1) Subchapter II*
7 *of chapter 30 of title 38, United States Code, as amended*
8 *by section 682(a) of this Act, is further amended by insert-*
9 *ing after section 3018C the following new section:*

10 **“§ 3018D. Opportunity to enroll: certain VEAP partici-**
11 **pants; active duty personnel not pre-**
12 **viously enrolled**

13 *“(a)(1) Notwithstanding any other provision of law*
14 *and subject to the provisions of this section, the Secretary*
15 *concerned may, for the purpose of enhancing recruiting and*
16 *retention and at such Secretary’s sole discretion, permit an*
17 *individual described in subsection (b) to elect under sub-*
18 *section (c) to become entitled to basic educational assistance*
19 *under this chapter.*

20 *“(2) The Secretary concerned may permit an indi-*
21 *vidual to elect to become entitled to basic educational assist-*
22 *ance under this section only if sufficient funds are available*
23 *in accordance with this section for purposes of payments*
24 *by the Secretary of Defense into the Department of Defense*

1 *Education Benefits Fund under section 2006 of title 10*
2 *with respect to such election.*

3 “(3) *An individual who makes an election to become*
4 *entitled to basic educational assistance under this section*
5 *shall be entitled to basic educational assistance under this*
6 *chapter.*

7 “(b) *An individual eligible to be permitted to make*
8 *an election under this section is an individual who—*

9 “(1) *either—*

10 “(A)(i) *is a participant on the date of the*
11 *enactment of this section in the educational bene-*
12 *fits program provided by chapter 32 of this title;*
13 *or*

14 “(ii) *disenrolled from participation in that*
15 *program before that date; or*

16 “(B) *has made an election under section*
17 *3011(c)(1) or 3012(d)(1) of this title not to re-*
18 *ceive educational assistance under this chapter*
19 *and has not withdrawn that election under sec-*
20 *tion 3018(a) of this title as of that date;*

21 “(2) *is serving on active duty (excluding periods*
22 *referred to in section 3202(1)(C) of this title in the*
23 *case of an individual described in paragraph (1)(A))*
24 *on that date; and*

1 “(3) before applying for benefits under this sec-
2 tion, has completed the requirements of a secondary
3 school diploma (or equivalency certificate) or has suc-
4 cessfully completed the equivalent of 12 semester hours
5 in a program of education leading to a standard col-
6 lege degree.

7 “(c) An individual permitted to make an election
8 under this section to become entitled to basic educational
9 assistance under this chapter shall make an irrevocable elec-
10 tion to receive benefits under this section in lieu of benefits
11 under chapter 32 of this title or withdraw the election made
12 under section 3011(c)(1) or 3012(d)(1) of this title, as the
13 case may be, pursuant to procedures which the Secretary
14 of each military department shall provide in accordance
15 with regulations prescribed by the Secretary of Defense for
16 the purpose of carrying out this section or which the Sec-
17 retary of Transportation shall provide for such purpose
18 with respect to the Coast Guard when it is not operating
19 as a service in the Navy.

20 “(d)(1) Except as provided in paragraphs (2) and (3),
21 in the case of an individual who makes an election under
22 this section to become entitled to basic educational assist-
23 ance under this chapter, the basic pay of the individual
24 shall be reduced (in a manner determined by the Secretary

1 of Defense) until the total amount by which such basic pay
2 is reduced is—

3 “(A) \$1,200, in the case of an individual de-
4 scribed in subsection (b)(1)(A); or

5 “(B) \$1,500, in the case of an individual de-
6 scribed in subsection (b)(1)(B).

7 “(2) In the case of an individual previously enrolled
8 in the educational benefits program provided by chapter 32
9 of this title, the total amount of the reduction in basic pay
10 otherwise required by paragraph (1) shall be reduced by an
11 amount equal to so much of the unused contributions made
12 by the individual to the Post-Vietnam Era Veterans Edu-
13 cation Account under section 3222(a) of this title as do not
14 exceed \$1,200.

15 “(3) An individual may at any time pay the Secretary
16 concerned an amount equal to the difference between the
17 total of the reductions otherwise required with respect to
18 the individual under this subsection and the total amount
19 of the reductions made with respect to the individual under
20 this subsection as of the time of the payment.

21 “(4) The Secretary concerned shall transfer to the Sec-
22 retary of Defense amounts retained with respect to individ-
23 uals under paragraph (1) and amounts, if any, paid by
24 individuals under paragraph (3).

1 “(e)(1) *An individual who is enrolled in the edu-*
2 *cational benefits program provided by chapter 32 of this*
3 *title and who makes the election described in subsection (c)*
4 *shall be disenrolled from the program as of the date of such*
5 *election.*

6 “(2) *For each individual who is disenrolled from such*
7 *program, the Secretary shall transfer to Secretary of De-*
8 *fense any amounts in the Post-Vietnam Era Veterans Edu-*
9 *cation Account that are attributable to the individual, in-*
10 *cluding amounts in the Account that are attributable to the*
11 *individual by reason of contributions made by the Secretary*
12 *of Defense under section 3222(c) of this title.*

13 “(f) *With respect to each individual electing under this*
14 *section to become entitled to basic educational assistance*
15 *under this chapter, the Secretary concerned shall transfer*
16 *to the Secretary of Defense, from appropriations for mili-*
17 *tary personnel that are available for transfer, an amount*
18 *equal to the difference between—*

19 “(1) *the amount required to be paid by the Sec-*
20 *retary of Defense into the Department of Defense*
21 *Education Benefits Fund with respect to such elec-*
22 *tion; and*

23 “(2) *the aggregate amount transferred to the Sec-*
24 *retary of Defense with respect to the individual under*
25 *subsections (d) and (e).*

1 “(g) *The Secretary of Defense shall utilize amounts*
2 *transferred to such Secretary under this section for purposes*
3 *of payments into the Department of Defense Education*
4 *Benefits Fund with respect to the provision of benefits*
5 *under this chapter for individuals making elections under*
6 *this section.*

7 “(h)(1) *The requirements of sections 3011(a)(3) and*
8 *3012(a)(3) of this title shall apply to an individual who*
9 *makes an election under this section, except that the comple-*
10 *tion of service referred to in such section shall be the comple-*
11 *tion of the period of active duty being served by the indi-*
12 *vidual on the date of the enactment of this section.*

13 “(2) *The procedures provided in regulations referred*
14 *to in subsection (c) shall provide for notice of the require-*
15 *ments of subparagraphs (B), (C), and (D) of section*
16 *3011(a)(3) of this title and of subparagraphs (B), (C), and*
17 *(D) of section 3012(a)(3) of this title. Receipt of such notice*
18 *shall be acknowledged in writing.*

19 “(i)(1) *Not later than January 31, 2002, and each*
20 *year thereafter, each Secretary concerned shall submit to*
21 *the Committees on Armed Services of the Senate and House*
22 *of Representatives a report on the members of the Armed*
23 *Forces under the jurisdiction of such Secretary who were*
24 *permitted to elect to become entitled to basic educational*
25 *assistance under this section during the preceding year.*

1 “(2) *Each report shall set forth—*

2 “(A) *the number of members who were permitted*
3 *to elect to become entitled to basic educational assist-*
4 *ance under this section during the preceding year;*

5 “(B) *the number of members so permitted who*
6 *elected to become entitled to basic educational assist-*
7 *ance during that year; and*

8 “(C) *if no members were so permitted during*
9 *that year, a justification for such Secretary’s decision*
10 *not to permit any members to elect to become so enti-*
11 *tled during that year.”.*

12 (2) *The table of sections at the beginning of chapter*
13 *30 of that title, as amended by section 682(a) of this Act,*
14 *is further amended by inserting after the item relating to*
15 *section 3018C the following new item:*

*“3018D. Opportunity to enroll: certain VEAP participants; active duty personnel
not previously enrolled.”.*

16 (b) *CONFORMING AMENDMENT.—Section 3015(f) of*
17 *that title is amended by striking “or 3018C” and inserting*
18 *“3018C, or 3018D”.*

19 (c) *TREATMENT UNDER DEPARTMENT OF DEFENSE*
20 *EDUCATION BENEFITS FUND.—Section 2006(b)(2) of title*
21 *10, United States Code, as amended by section 682(b) of*
22 *this Act, is further amended by adding at the end the fol-*
23 *lowing:*

1 “(E) *The present value of the future benefits*
 2 *payable from the Fund as a result of elections*
 3 *under section 3018D of title 38 of entitlement to*
 4 *basic educational assistance under chapter 30 of*
 5 *title 38.”.*

6 (d) *PLANS FOR IMPLEMENTATION.—(1) Not later than*
 7 *June 30, 2001, the Secretary of Defense shall submit to Con-*
 8 *gress a report describing the manner in which the Secre-*
 9 *taries of the military departments propose to exercise the*
 10 *authority granted by section 3018A of title 38, United*
 11 *States Code, as added by subsection (a).*

12 (2) *Not later than June 30, 2001, the Secretary of*
 13 *Transportation shall submit to Congress a report describing*
 14 *the manner in which that Secretary proposes to exercise the*
 15 *authority granted by such section 3018A with respect to*
 16 *members of the Coast Guard.*

17 **SEC. 684. MODIFICATION OF AUTHORITY TO PAY TUITION**
 18 **FOR OFF-DUTY TRAINING AND EDUCATION.**

19 (a) *AUTHORITY TO PAY ALL CHARGES.—Section 2007*
 20 *of title 10, United States Code, is amended—*

21 (1) *by striking subsections (a) and (b) and in-*
 22 *serting the following new subsections:*

23 “(a) *Subject to subsection (b), the Secretary of a mili-*
 24 *tary department may pay all or a portion of the charges*
 25 *of an educational institution for the tuition or expenses of*

1 *a member of the armed forces enrolled in such educational*
 2 *institution for education or training during the member's*
 3 *off-duty periods.*

4 “(b) *In the case of a commissioned officer on active*
 5 *duty, the Secretary of the military department concerned*
 6 *may not pay charges under subsection (a) unless the officer*
 7 *agrees to remain on active duty for a period of at least*
 8 *two years after the completion of the training or education*
 9 *for which the charges are paid.”; and*

10 (2) *in subsection (d)—*

11 (A) *by striking “(within the limits set forth*
 12 *in subsection (a))” in the matter preceding para-*
 13 *graph (1); and*

14 (B) *in paragraph (3), by striking “sub-*
 15 *section (a)(3)” and inserting “subsection (b)”.*

16 (b) *USE OF ENTITLEMENT TO ASSISTANCE UNDER*
 17 *MONTGOMERY GI BILL FOR PAYMENT OF CHARGES.—(1)*
 18 *That section is further amended by adding at the end the*
 19 *following new subsection:*

20 “(e)(1) *A member of the armed forces who is entitled*
 21 *to basic educational assistance under chapter 30 of title 38*
 22 *may use such entitlement for purposes of paying any por-*
 23 *tion of the charges described in subsection (a) or (c) that*
 24 *are not paid for by the Secretary of the military department*
 25 *concerned under such subsection.*

1 “(2) *The use of entitlement under paragraph (1) shall*
2 *be governed by the provisions of section 3014(b) of title 38.*”.

3 (2) *Section 3014 of title 38, United States Code, is*
4 *amended—*

5 (A) *by inserting “(a)” before “The Secretary”;*
6 *and*

7 (B) *by adding at the end the following new sub-*
8 *section:*

9 “(b)(1) *In the case of an individual entitled to basic*
10 *educational assistance who is pursuing education or train-*
11 *ing described in subsection (a) or (c) of section 2007 of title*
12 *10, the Secretary shall, at the election of the individual,*
13 *pay the individual a basic educational assistance allowance*
14 *to meet all or a portion of the charges of the educational*
15 *institution for the education or training that are not paid*
16 *by the Secretary of the military department concerned*
17 *under such subsection.*

18 “(2)(A) *The amount of the basic educational assistance*
19 *allowance payable to an individual under this subsection*
20 *for a month shall be the amount of the basic educational*
21 *assistance allowance to which the individual would be enti-*
22 *tled for the month under section 3015 of this title (without*
23 *regard to subsection (g) of that section) were payment made*
24 *under that section instead of under this subsection.*

1 “(B) *The maximum number of months for which an*
2 *individual may be paid a basic educational assistance al-*
3 *lowance under paragraph (1) is 36.*”.

4 (3) *Section 3015 of title 38, United States Code, is*
5 *amended—*

6 (A) *by striking “subsection (g)” each place it ap-*
7 *pears in subsections (a) and (b);*

8 (B) *by redesignating subsection (g) as subsection*
9 *(h); and*

10 (C) *by inserting after subsection (f) the following*
11 *new subsection (g):*

12 “(g) *In the case of an individual who has been paid*
13 *a basic educational assistance allowance under section*
14 *3014(b) of this title, the rate of the basic educational assist-*
15 *ance allowance applicable to the individual under this sec-*
16 *tion shall be the rate otherwise applicable to the individual*
17 *under this section reduced by an amount equal to—*

18 “(1) *the aggregate amount of such allowances*
19 *paid the individual under such section 3014(b); di-*
20 *vided by*

21 “(2) *36.*”.

1 **SEC. 685. MODIFICATION OF TIME FOR USE BY CERTAIN**
 2 **MEMBERS OF SELECTED RESERVE OF ENTI-**
 3 **TLEMENT TO CERTAIN EDUCATIONAL ASSIST-**
 4 **ANCE.**

5 *Section 16133(b) of title 10, United States Code, is*
 6 *amended by adding at the end the following new paragraph:*

7 *“(5)(A) In the case of a person who continues to serve*
 8 *as member of the Selected Reserve as of the end of the 10-*
 9 *year period applicable to the person under subsection (a),*
 10 *as extended, if at all, under paragraph (4), the period dur-*
 11 *ing which the person may use the person’s entitlement shall*
 12 *expire at the end of the 5-year period beginning on the date*
 13 *the person is separated from the Selected Reserve.*

14 *“(B) The provisions of paragraph (4) shall apply with*
 15 *respect to any period of active duty of a person referred*
 16 *to in subparagraph (A) during the 5-year period referred*
 17 *to in that subparagraph.”.*

18 ***Subtitle G—Additional Benefits For***
 19 ***Reserves and Their Dependents***

20 **SEC. 691. SENSE OF CONGRESS.**

21 *It is the sense of Congress that it is in the national*
 22 *interest for the President to provide the funds for the reserve*
 23 *components of the Armed Forces (including the National*
 24 *Guard and Reserves) that are sufficient to ensure that the*
 25 *reserve components meet the requirements specified for the*

1 *reserve components in the National Military Strategy, in-*
 2 *cluding training requirements.*

3 **SEC. 692. TRAVEL BY RESERVES ON MILITARY AIRCRAFT.**

4 *(a) SPACE-REQUIRED TRAVEL FOR TRAVEL TO DUTY*
 5 *STATIONS INCONUS AND OCONUS.—(1) Subsection (a)*
 6 *of section 18505 of title 10, United States Code, is amended*
 7 *to read as follows:*

8 *“(a) A member of a reserve component traveling to a*
 9 *place of annual training duty or inactive-duty training*
 10 *(including a place other than the member’s unit training*
 11 *assembly if the member is performing annual training duty*
 12 *or inactive-duty training in another location) may travel*
 13 *in a space-required status on aircraft of the armed forces*
 14 *between the member’s home and the place of such duty or*
 15 *training.”.*

16 *(2) The heading of such section is amended to read*
 17 *as follows:*

18 **“§ 18505. Reserves traveling to annual training duty**
 19 **or inactive-duty training: authority for**
 20 **space-required travel”.**

21 *(b) SPACE-AVAILABLE TRAVEL FOR MEMBERS OF SE-*
 22 *LECTED RESERVE AND DEPENDENTS.—Chapter 1805 of*
 23 *such title is amended by adding at the end the following*
 24 *new section:*

1 **“§ 18506. Space-available travel: Selected Reserve**
2 **members and dependents**

3 “(a) *ELIGIBILITY FOR SPACE-AVAILABLE TRAVEL.—*
4 *The Secretary of Defense shall prescribe regulations to allow*
5 *persons described in subsection (b) to receive transportation*
6 *on aircraft of the Department of Defense on a space-avail-*
7 *able basis under the same terms and conditions (including*
8 *terms and conditions applicable to travel outside the United*
9 *States) as apply to members of the armed forces entitled*
10 *to retired pay.*

11 “(b) *PERSONS ELIGIBLE.—*Subsection (a) applies to
12 *a person who is a member of the Selected Reserve in good*
13 *standing (as determined by the Secretary concerned) or who*
14 *is a participating member of the Individual Ready Reserve*
15 *of the Navy or Coast Guard in good standing (as deter-*
16 *mined by the Secretary concerned).*

17 “(c) *DEPENDENTS.—*A dependent of a person described
18 *in subsection (b) shall be provided transportation under*
19 *this section on the same basis as dependents of members*
20 *of the armed forces entitled to retired pay.*

21 “(d) *LIMITATION ON REQUIRED IDENTIFICATION.—*
22 *Neither the ‘Authentication of Reserve Status for Travel*
23 *Eligibility’ form (DD Form 1853), nor or any other form,*
24 *other than the presentation of military identification and*
25 *duty orders upon request, or other methods of identification*
26 *required of active duty personnel, shall be required of re-*

1 *serve component personnel using space-available transpor-*
 2 *tation within or outside the continental United States*
 3 *under this section.”.*

4 (c) *CLERICAL AMENDMENTS.—The table of sections at*
 5 *the beginning of such chapter is amended by striking the*
 6 *item relating to section 18505 and inserting the following*
 7 *new items:*

“18505. Reserves traveling to annual training duty or inactive-duty training: au-
thority for space-required travel.

“18506. Space-available travel: Selected Reserve members and dependents.”.

8 (d) *IMPLEMENTING REGULATIONS.—Regulations*
 9 *under section 18506 of title 10, United States Code, as*
 10 *added by subsection (b), shall be prescribed not later than*
 11 *180 days after the date of the enactment of this Act.*

12 **SEC. 693. BILLETING SERVICES FOR RESERVE MEMBERS**
 13 **TRAVELING FOR INACTIVE DUTY TRAINING.**

14 (a) *IN GENERAL.—(1) Chapter 1217 of title 10, United*
 15 *States Code, is amended by inserting after section 12603*
 16 *the following new section:*

17 **“§ 12604. Billeting in Department of Defense facilities:**
 18 ***Reserves attending inactive-duty training***

19 ***“(a) AUTHORITY FOR BILLETING ON SAME BASIS AS***
 20 ***ACTIVE DUTY MEMBERS TRAVELING UNDER ORDERS.—***
 21 *The Secretary of Defense shall prescribe regulations author-*
 22 *izing a Reserve traveling to inactive-duty training at a lo-*
 23 *cation more than 50 miles from that Reserve’s residence to*
 24 *be eligible for billeting in Department of Defense facilities*

1 *on the same basis and to the same extent as a member of*
 2 *the armed forces on active duty who is traveling under or-*
 3 *ders away from the member's permanent duty station.*

4 “(b) *PROOF OF REASON FOR TRAVEL.*—*The Secretary*
 5 *shall include in the regulations the means for confirming*
 6 *a Reserve's eligibility for billeting under subsection (a).”.*

7 (2) *The table of sections at the beginning of such chap-*
 8 *ter is amended by inserting after the item relating to section*
 9 *12603 the following new item:*

“12604. Billeting in Department of Defense facilities: Reserves attending inactive-
duty training.

10 (b) *EFFECTIVE DATE.*—*Section 12604 of title 10,*
 11 *United States Code, as added by subsection (a), shall apply*
 12 *with respect to periods of inactive-duty training beginning*
 13 *more than 180 days after the date of the enactment of this*
 14 *Act.*

15 **SEC. 694. INCREASE IN MAXIMUM NUMBER OF RESERVE RE-**
 16 **TIREMENT POINTS THAT MAY BE CREDITED**
 17 **IN ANY YEAR.**

18 *Section 12733(3) of title 10, United States Code, is*
 19 *amended by striking “but not more than” and all that fol-*
 20 *lows and inserting “but not more than—*

21 *“(A) 60 days in any one year of service be-*
 22 *fore the year of service that includes September*
 23 *23, 1996;*

“(B) 75 days in the year of service that includes September 23, 1996, and in any subsequent year of service before the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001; and

“(C) 90 days in the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001 and in any subsequent year of service.”.

**SEC. 695. AUTHORITY FOR PROVISION OF LEGAL SERVICES
TO RESERVE COMPONENT MEMBERS FOLLOWING RELEASE FROM ACTIVE DUTY.**

(a) *LEGAL SERVICES*.—Section 1044(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) Members of reserve components of the armed forces not covered by paragraph (1) or (2) following release from active duty under a call or order to active duty for more than 30 days issued under a mobilization authority (as determined by the Secretary of Defense), but only during the period that begins on

1 *the date of the release and is equal to at least twice*
 2 *the length of the period served on active duty under*
 3 *such call or order to active duty.”.*

4 *(b) DEPENDENTS.—Paragraph (5) of such section, as*
 5 *redesignated by subsection (a)(1), is amended by striking*
 6 *“and (3)” and inserting “(3), and (4)”.*

7 *(c) IMPLEMENTING REGULATIONS.—Regulations to*
 8 *implement the amendments made by this section shall be*
 9 *prescribed not later than 180 days after the date of the en-*
 10 *actment of this Act.*

11 ***TITLE VII—HEALTH CARE***

12 ***Subtitle A—Senior Health Care***

13 ***SEC. 701. CONDITIONS FOR ELIGIBILITY FOR CHAMPUS*** 14 ***UPON THE ATTAINMENT OF 65 YEARS OF AGE.***

15 *(a) ELIGIBILITY OF MEDICARE ELIGIBLE PERSONS.—*
 16 *Section 1086(d) of title 10, United States Code, is*
 17 *amended—*

18 *(1) by striking paragraph (2) and inserting the*
 19 *following:*

20 *“(2) The prohibition contained in paragraph (1) shall*
 21 *not apply to a person referred to in subsection (c) who—*

22 *“(A) is enrolled in the supplementary medical*
 23 *insurance program under part B of such title (42*
 24 *U.S.C. 1395j et seq.); and*

1 “(B) in the case of a person under 65 years of
 2 age, is entitled to hospital insurance benefits under
 3 part A of title XVIII of the Social Security Act pur-
 4 suant to subparagraph (A) or (C) of section 226(b)(2)
 5 of such Act (42 U.S.C. 426(b)(2)) or section 226A(a)
 6 of such Act (42 U.S.C. 426–1(a)).”; and

7 (2) in paragraph (4), by striking “paragraph (1)
 8 who satisfy only the criteria specified in subpara-
 9 graphs (A) and (B) of paragraph (2), but not sub-
 10 paragraph (C) of such paragraph,” and inserting
 11 “subparagraph (B) of paragraph (2) who do not sat-
 12 isfy the condition specified in subparagraph (A) of
 13 such paragraph”.

14 (b) *EXTENSION OF TRICARE SENIOR PRIME DEM-*
 15 *ONSTRATION PROGRAM.*—Paragraph (4) of section 1896(b)
 16 of the Social Security Act (42 U.S.C. 1395ggg(b)) is amend-
 17 ed by striking “3-year period beginning on January 1,
 18 1998” and inserting “period beginning on January 1,
 19 1998, and ending on December 31, 2001”.

20 (c) *EFFECTIVE DATES.*—(1) The amendments made by
 21 subsection (a) shall take effect on October 1, 2001.

22 (2) The amendment made by subsection (b) shall take
 23 effect on the date of the enactment of this Act.

24 (d) *ADJUSTMENT FOR BUDGET-RELATED RESTRIC-*
 25 *TIONS.*—Effective on October 1, 2003, section 1086(d)(2) of

1 *title 10, United States Code, as amended by subsection (a),*
 2 *is further amended by striking “in the case of a person*
 3 *under 65 years of age,” and inserting “is under 65 years*
 4 *of age and”.*

5 ***Subtitle B—TRICARE Program***

6 ***SEC. 711. ADDITIONAL BENEFICIARIES UNDER TRICARE***
 7 ***PRIME REMOTE PROGRAM IN CONUS.***

8 *(a) COVERAGE OF OTHER UNIFORMED SERVICES.—*
 9 *(1) Section 1074(c) of title 10, United States Code, is*
 10 *amended—*

11 *(A) by striking “armed forces” each place it ap-*
 12 *pears, except in paragraph (3)(A), and inserting*
 13 *“uniformed services”;*

14 *(B) in paragraph (1), by inserting after “mili-*
 15 *tary department” in the first sentence the following:*
 16 *“, the Department of Transportation (with respect to*
 17 *the Coast Guard when it is not operating as a service*
 18 *in the Navy), or the Department of Health and*
 19 *Human Services (with respect to the National Oce-*
 20 *anic and Atmospheric Administration and the Public*
 21 *Health Service)”;*

22 *(C) in paragraph (2), by adding at the end the*
 23 *following:*

1 “(C) *The Secretary of Defense shall consult with*
2 *the other administering Secretaries in the adminis-*
3 *tration of this paragraph.*”; and

4 (D) in paragraph (3)(A), by striking “*The Sec-*
5 *retary of Defense may not require a member of the*
6 *armed forces described in subparagraph (B)*” and in-
7 serting “*A member of the uniformed services described*
8 *in subparagraph (B) may not be required*”.

9 (2)(A) Subsections (b), (c), and (d)(3) of section 731
10 of the *National Defense Authorization Act for Fiscal Year*
11 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C. 1074
12 note) are amended by striking “*Armed Forces*” and insert-
13 ing “*uniformed services*”.

14 (B) Subsection (b) of such section is further amended
15 by adding at the end the following:

16 “(4) *The Secretary of Defense shall consult with the*
17 *other administering Secretaries in the administration of*
18 *this subsection.*”.

19 (C) Subsection (f) of such section is amended by add-
20 ing at the end the following:

21 “(3) *The terms ‘uniformed services’ and ‘admin-*
22 *istering Secretaries’ have the meanings given those*
23 *terms in section 1072 of title 10, United States*
24 *Code.*”.

1 (3) *Section 706(b) of the National Defense Authoriza-*
2 *tion Act for Fiscal Year 2000 (Public Law 106–65; 113*
3 *Stat. 684) is amended by striking “Armed Forces” and in-*
4 *serting “uniformed services (as defined in section 1072(1)*
5 *of title 10, United States Code)”.*

6 (b) *COVERAGE OF IMMEDIATE FAMILY.—(1) Section*
7 *1079 of title 10, United States Code, is amended by adding*
8 *at the end the following:*

9 “(p)(1) *Subject to such exceptions as the Secretary of*
10 *Defense considers necessary, coverage for medical care under*
11 *this section for the dependents referred to in subsection (a)*
12 *of a member of the uniformed services referred to in section*
13 *1074(c)(3) of this title who are residing with the member,*
14 *and standards with respect to timely access to such care,*
15 *shall be comparable to coverage for medical care and stand-*
16 *ards for timely access to such care under the managed care*
17 *option of the TRICARE program known as TRICARE*
18 *Prime.*

19 “(2) *The Secretary of Defense shall enter into arrange-*
20 *ments with contractors under the TRICARE program or*
21 *with other appropriate contractors for the timely and effi-*
22 *cient processing of claims under this subsection.*

23 “(3) *The Secretary of Defense shall consult with the*
24 *other administering Secretaries in the administration of*
25 *this subsection.”.*

1 (2) *Section 731(b) of the National Defense Authoriza-*
2 *tion Act for Fiscal Year 1998 (Public Law 105–85; 111*
3 *Stat. 1811; 10 U.S.C. 1074 note) is amended—*

4 (A) *in paragraph (1), by adding at the end the*
5 *following: “A dependent of the member, as described*
6 *in subparagraph (A), (D), or (I) of section 1072(2) of*
7 *title 10, United States Code, who is residing with the*
8 *member shall have the same entitlement to care and*
9 *to waiver of charges as the member.”; and*

10 (B) *in paragraph (2), by inserting “or depend-*
11 *ent of the member, as the case may be,” after “(2) A*
12 *member”.*

13 (c) *EFFECTIVE DATE.—(1) The amendments made by*
14 *subsection (a)(2), with respect to members of the uniformed*
15 *services, and the amendments made by subsection (b)(2),*
16 *with respect to dependents of members, shall take effect on*
17 *the date of the enactment of this Act and shall expire with*
18 *respect to a member or the dependents of a member, respec-*
19 *tively, on the later of the following:*

20 (A) *The date that is one year after the date of*
21 *the enactment of this Act.*

22 (B) *The date on which the amendments sub-*
23 *section (a)(1) or (b)(1) apply with respect to the cov-*
24 *erage of medical care for and provision of such care*
25 *to the member or dependents, respectively.*

1 (2) *Section 731(b)(3) of Public Law 105–85 does not*
 2 *apply to a member of the Coast Guard, the National Oce-*
 3 *anic and Atmospheric Administration, or the Commis-*
 4 *sioned Corps of the Public Health Service, or to a dependent*
 5 *of a member of a uniformed service.*

6 **SEC. 712. ELIMINATION OF COPAYMENTS FOR IMMEDIATE**
 7 **FAMILY.**

8 (a) *NO COPAYMENT FOR IMMEDIATE FAMILY.*—*Sec-*
 9 *tion 1097a of title 10, United States Code, is amended—*

10 (1) *by redesignating subsection (e) as subsection*
 11 *(f); and*

12 (2) *by inserting after subsection (d) the following*
 13 *new subsection (e):*

14 “(e) *NO COPAYMENT FOR IMMEDIATE FAMILY.*—*No co-*
 15 *payment shall be charged a member for care provided under*
 16 *TRICARE Prime to a dependent of a member of the uni-*
 17 *formed services described in subparagraph (A), (D), or (I)*
 18 *of section 1072 of this title.”.*

19 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
 20 *section (a) shall take effect on October 1, 2000, and shall*
 21 *apply with respect to care provided on or after that date.*

1 **SEC. 713. IMPROVEMENT IN BUSINESS PRACTICES IN THE**
2 **ADMINISTRATION OF THE TRICARE PRO-**
3 **GRAM.**

4 (a) *REQUIREMENT.*—Not later than October 1, 2001,
5 the Secretary of Defense shall take actions that the Sec-
6 retary considers appropriate to improve the business prac-
7 tices used in administering the access of eligible persons to
8 health care services through the TRICARE program under
9 chapter 55 of title 10, United States Code, including the
10 practices relating to the following:

11 (1) *The availability and scheduling of appoint-*
12 *ments.*

13 (2) *The filing, processing, and payment of*
14 *claims.*

15 (3) *Public relations efforts that are focused on*
16 *outreach to eligible persons.*

17 (4) *The continuation of enrollments without ex-*
18 *piration.*

19 (5) *The portability of enrollments nationwide.*

20 (b) *CONSULTATION.*—The Secretary of Defense shall
21 consult with the other administering Secretaries in the de-
22 velopment of the actions to be taken under subsection (a).

23 (c) *REPORT.*—Not later than March 15, 2001, the Sec-
24 retary of Defense shall submit to the Committees on Armed
25 Services of the Senate and House of Representatives a re-
26 port on the actions to be taken under subsection (a).

1 (d) *DEFINITIONS.*—*In this section the terms “admin-*
2 *istering Secretaries” and “TRICARE program” shall have*
3 *the meanings given such terms in section 1072 of title 10,*
4 *United States Code.*

5 **SEC. 714. IMPROVEMENT OF ACCESS TO HEALTH CARE**
6 **UNDER THE TRICARE PROGRAM.**

7 (a) *WAIVER OF NONAVAILABILITY STATEMENT OR*
8 *PREAUTHORIZATION.*—*In the case of a covered beneficiary*
9 *under chapter 55 of title 10, United States Code, who is*
10 *enrolled in TRICARE Standard, the Secretary of Defense*
11 *may not require with regard to authorized health care serv-*
12 *ices (other than mental health services) under any new con-*
13 *tract for the provision of health care services under such*
14 *chapter that the beneficiary—*

15 (1) *obtain a nonavailability statement or*
16 *preauthorization from a military medical treatment*
17 *facility in order to receive the services from a civilian*
18 *provider; or*

19 (2) *obtain a nonavailability statement for care*
20 *in specialized treatment facilities outside the 200-mile*
21 *radius of a military medical treatment facility.*

22 (b) *NOTICE.*—*The Secretary may require that the cov-*
23 *ered beneficiary inform the primary care manager of the*
24 *beneficiary of any health care received from a civilian pro-*
25 *vider or in a specialized treatment facility.*

1 (c) *EXCEPTIONS.*—Subsection (a) shall not apply if—

2 (1) *the Secretary demonstrates significant cost*
 3 *avoidance for specific procedures at the affected mili-*
 4 *tary medical treatment facilities;*

5 (2) *the Secretary determines that a specific pro-*
 6 *cedure must be maintained at the affected military*
 7 *medical treatment facility to ensure the proficiency*
 8 *levels of the practitioners at the facility; or*

9 (3) *the lack of nonavailability statement data*
 10 *would significantly interfere with TRICARE contract*
 11 *administration.*

12 (d) *EFFECTIVE DATE.*—This section shall take effect
 13 *on October 1, 2001.*

14 **SEC. 715. ENHANCEMENT OF ACCESS TO TRICARE IN RURAL**
 15 **STATES.**

16 (a) *HIGHER MAXIMUM ALLOWABLE CHARGE.*—Sec-
 17 *tion 1079(h) of title 10, United States Code, is amended—*

18 (1) *in paragraph (1), by striking “paragraphs*
 19 *(2) and (3)” in the first sentence and inserting*
 20 *“paragraphs (2), (3), and (4)”;*

21 (2) *by redesignating paragraph (4) as para-*
 22 *graph (5);*

23 (3) *by inserting after paragraph (3) the fol-*
 24 *lowing new paragraph (4):*

1 “(4)(A) *The amount payable for a charge for a service*
 2 *provided by an individual health care professional or other*
 3 *noninstitutional health care provider in a rural State for*
 4 *which a claim is submitted under a plan contracted for*
 5 *under subsection (a) shall be equal to 80 percent of the cus-*
 6 *tomary and reasonable charge for services of that type when*
 7 *provided by such a professional or other provider, as the*
 8 *case may be, in that State.*

9 “(B) *A customary and reasonable charge shall be deter-*
 10 *mined for the purposes of subparagraph (A) under regula-*
 11 *tions prescribed by the Secretary of Defense in consultation*
 12 *with the other administering Secretaries. In prescribing the*
 13 *regulations, the Secretary may also consult with the Admin-*
 14 *istrator of the Health Care Financing Administration of*
 15 *the Department of Health and Human Services.’; and*

16 (4) *by adding at the end the following:*

17 “(6) *In this subsection the term ‘rural State’ means*
 18 *a State that has, on average, as determined by the Bureau*
 19 *of the Census in the latest decennial census—*

20 “(A) *less than 76 residents per square mile; and*

21 “(B) *less than 211 actively practicing physicians*
 22 *(not counting physicians employed by the United*
 23 *States) per 100,000 residents.’.”*

24 (b) *REPORT.—(1) Not later than 180 days after the*
 25 *date of the enactment of this Act, the Secretary of Defense*

1 *shall submit to the Committees on Armed Services of the*
2 *Senate and the House of Representatives a report on the*
3 *extent to which physicians are choosing not to participate*
4 *in contracts for the furnishing of health care in rural States*
5 *under chapter 55 of title 10, United States Code.*

6 (2) *The report shall include the following:*

7 (A) *The number of physicians in rural States*
8 *who are withdrawing from participation, or otherwise*
9 *refusing to participate, in the health care contracts.*

10 (B) *The reasons for the withdrawals and refus-*
11 *als.*

12 (C) *The actions that the Secretary of Defense can*
13 *take to encourage more physicians to participate in*
14 *the health care contracts.*

15 (D) *Any recommendations for legislation that*
16 *the Secretary considers necessary to encourage more*
17 *physicians to participate in the health care contracts.*

18 (3) *In this subsection, the term “rural State” has the*
19 *meaning given that term in section 1079(h)(6) of title 10,*
20 *United States Code (as added by subsection (a)).*

1 ***Subtitle C—Joint Initiatives With***
2 ***Department of Veterans Affairs***

3 ***SEC. 721. TRACKING PATIENT SAFETY IN MILITARY AND***
4 ***VETERANS HEALTH CARE SYSTEMS.***

5 (a) *CENTRALIZED TRACKING PROCESS.*—The Sec-
6 retary of Defense and the Secretary of Veterans Affairs shall
7 jointly prescribe a centralized process for the reporting,
8 compiling, and analysis of errors in the provision of health
9 care under the Defense Health Program and the Depart-
10 ment of Veterans Affairs health care system that endanger
11 patients beyond the normal risks associated with the care
12 and treatment of the patients.

13 (b) *SAFETY INDICATORS, ET CETERA.*—The process
14 shall include such indicators, standards, and protocols as
15 the Secretary of Defense and the Secretary of Veterans Af-
16 fairs consider necessary for the establishment and adminis-
17 tration of an effective process.

18 ***SEC. 722. PHARMACEUTICAL IDENTIFICATION TECH-***
19 ***NOLOGY.***

20 (a) *BAR CODE IDENTIFICATION TECHNOLOGY.*—The
21 Secretary of Defense and the Secretary of Veterans Affairs
22 shall jointly develop a system for the use of bar codes for
23 the identification of pharmaceuticals.

24 (b) *USE IN MAIL ORDER PHARMACEUTICALS PRO-*
25 *GRAM.*—The Secretary of Defense, in consultation with the

1 *Secretary of Veterans Affairs, shall experiment with the use*
2 *of bar code identification of pharmaceuticals in the admin-*
3 *istration of the mail order pharmaceuticals program car-*
4 *ried out under section 1110(a) of title 10, United States*
5 *Code (as added by section 731).*

6 **SEC. 723. MEDICAL INFORMATICS.**

7 (a) *ADDITION MATTERS FOR ANNUAL REPORT ON*
8 *MEDICAL INFORMATICS ADVISORY COMMITTEE.*—Section
9 *723(d)(5) of the National Defense Authorization Act for Fis-*
10 *cal Year 2000 (Public Law 106–65; 113 Stat. 697; 10*
11 *U.S.C. 1071 note) is amended to read as follows:*

12 “(5) *The Secretary of Defense shall submit to Congress*
13 *an annual report on medical informatics. The report shall*
14 *include a discussion of the following matters:*

15 “(A) *The activities of the Committee.*

16 “(B) *The coordination of development, deploy-*
17 *ment, and maintenance of health care informatics*
18 *systems within the Federal Government, and between*
19 *the Federal Government and the private sector.*

20 “(C) *The progress or growth occurring in med-*
21 *ical informatics.*

22 “(D) *How the TRICARE program and the De-*
23 *partment of Veterans Affairs health care system can*
24 *use the advancement of knowledge in medical*
25 *informatics to raise the standards of health care and*

1 *treatment and the expectations for improving health*
2 *care and treatment.”.*

3 (b) *FISCAL YEAR 2001 FUNDING FOR PHARMA-*
4 *CEUTICALS-RELATED MEDICAL INFORMATICS.*—*Of the*
5 *amount authorized to be appropriated under section*
6 *301(22)—*

7 (1) *\$64,000,000 is available for the commence-*
8 *ment of the implementation of a new computerized*
9 *medical record, including an automated entry order*
10 *system for pharmaceuticals, that makes all relevant*
11 *clinical information on a patient under the Defense*
12 *Health Program available when and where it is need-*
13 *ed; and*

14 (2) *\$9,000,000 is available for the implementa-*
15 *tion of an integrated pharmacy system under the De-*
16 *fense Health Program that creates a single profile for*
17 *all of the prescription medications a patient takes, re-*
18 *gardless of whether the prescriptions for those medica-*
19 *tions were filled at military or private pharmacies*
20 *serving Department of Defense beneficiaries world-*
21 *wide.*

Subtitle D—Other Matters

SEC. 731. PERMANENT AUTHORITY FOR CERTAIN PHARMACEUTICAL BENEFITS.

(a) AUTHORITY.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end the following:

“§ 1110. Pharmaceutical benefits

“(a) PHARMACEUTICALS BY MAIL.—The Secretary of Defense shall carry out a program to provide eligible persons with prescription pharmaceuticals by mail.

“(b) RETAIL PHARMACY NETWORK.—To the maximum extent practicable, the Secretary of Defense shall include in each managed health care program under this chapter, a program to supply prescription pharmaceuticals to eligible persons through a managed care network of community retail pharmacies in the area covered by the managed health care program.

“(c) ELIGIBLE PERSONS.—A person is eligible to obtain pharmaceuticals under the program of pharmaceuticals by mail under subsection (a) or through a retail pharmacy network included in a managed health care program under subsection (b) as follows:

“(1) A person who is eligible for medical care under a contract for medical care entered into by the Secretary of Defense under section 1079 or 1086 of this title.

1 “(2) *A person who would be eligible for medical*
 2 *care under a contract for medical care entered into*
 3 *under section 1086 of this title except for the oper-*
 4 *ation of subsection (d)(1) of such section.*

5 “(d) *PHARMACEUTICALS OFFERED.—The Secretary of*
 6 *Defense shall determine the pharmaceuticals that may be*
 7 *obtained by eligible persons under subsection (a) or (b).*

8 “(e) *FEEES.—The Secretary of Defense shall prescribe*
 9 *an appropriate fee, charge, or copayment to be paid by per-*
 10 *sons for pharmaceuticals obtained under subsection (a) or*
 11 *(b).*

12 “(f) *CONSULTATION REQUIREMENT.—The Secretary of*
 13 *Defense shall consult with the other administering Secre-*
 14 *taries in the administration of this section.”.*

15 “(2) *The table of sections at the beginning of such chap-*
 16 *ter is amended by adding at the end the following:*

 “1110. *Pharmaceutical benefits.*”.

17 “(b) *REPEAL OF SUPERSEDED AUTHORITY.—Section*
 18 *702 of the National Defense Authorization Act for Fiscal*
 19 *Year 1993 (Public Law 102–484; 106 Stat. 2431; 10 U.S.C.*
 20 *1079 note) is repealed.*

21 “(c) *EFFECTIVE DATE.—This section and the amend-*
 22 *ments made by this section shall take effect on January 1,*
 23 *2001.*

1 **SEC. 732. PROVISION OF DOMICILIARY AND CUSTODIAL**
2 **CARE FOR CHAMPUS BENEFICIARIES.**

3 (a) *CONTINUATION OF CARE FOR CERTAIN CHAMPUS*
4 *BENEFICIARIES.*—Section 703(a)(1) of the National De-
5 fense Authorization Act for Fiscal Year 2000 (Public Law
6 106–65; 113 Stat. 682; 10 U.S.C. 1077 note) is amended
7 by inserting before the period at the end the following: “or
8 by the prohibition in section 1086(d)(1) of such title”.

9 (b) *COST LIMITATION FOR INDIVIDUAL CASE MANAGE-*
10 *MENT PROGRAM.*—(1) Section 1079(a)(17) of title 10,
11 United States Code, is amended—

12 (A) by inserting “(A)” after “(17)”; and

13 (B) by adding at the end the following:

14 “(B) The total amount expended under subpara-
15 graph (A) for a fiscal year may not exceed
16 \$100,000,000.”.

17 (2) Section 703 of the National Defense Authorization
18 Act for Fiscal Year 2000 is amended by adding at the end
19 the following:

20 “(e) *COST LIMITATION.*—The total amount paid for
21 services for eligible beneficiaries under subsection (a) for a
22 fiscal year (together with the costs of administering the au-
23 thority under that subsection) shall be included in the ex-
24 penditures limited by section 1079(a)(17)(B) of title 10,
25 United States Code.”.

1 (c) *APPLICABILITY OF COST LIMITATION.*—The
2 amendments made by subsection (b) shall apply to fiscal
3 years after fiscal year 1999.

4 **SEC. 733. MEDICAL AND DENTAL CARE FOR MEDAL OF**
5 **HONOR RECIPIENTS AND THEIR DEPEND-**
6 **ENTS.**

7 (a) *MEDAL RECIPIENTS.*—Section 1074 of title 10,
8 United States Code, is amended by adding at the end the
9 following:

10 “(d)(1) A medal of honor recipient is entitled to med-
11 ical and dental care under this chapter to the same extent
12 as a person referred to in subsection (b).

13 “(2) In this subsection, the term ‘medal of honor re-
14 cipient’ means a person awarded a medal of honor under
15 section 3741, 6241, or 8741 of this title, or section 491 of
16 title 14.”.

17 (b) *DEPENDENTS.*—Section 1076 of such title is
18 amended by adding at the end the following:

19 “(f)(1) The immediate dependents of a medal of honor
20 recipient are entitled to medical and dental care under this
21 chapter to the same extent as a person referred to in sub-
22 section (b).

23 “(2) In this subsection:

1 “(A) *The term ‘medal of honor recipient’ has the*
 2 *meaning given the term in section 1074(d)(2) of this*
 3 *title.*

4 “(B) *The term ‘immediate dependent’ means a*
 5 *dependent described in subparagraphs (A), (B), (C),*
 6 *and (D) of section 1072(2) of this title.”.*

7 **SEC. 734. SCHOOL-REQUIRED PHYSICAL EXAMINATIONS**
 8 **FOR CERTAIN MINOR DEPENDENTS.**

9 *Section 1076 of title 10, United States Code, as amend-*
 10 *ed by section 733(b), is further amended by adding at the*
 11 *end the following:*

12 “(g)(1) *The administering Secretaries shall furnish an*
 13 *eligible dependent a physical examination that is required*
 14 *by a school in connection with the enrollment of the depend-*
 15 *ent as a student in that school.*

16 “(2) *A dependent is eligible for a physical examination*
 17 *under paragraph (1) if the dependent—*

18 “(A) *is entitled to receive medical care under*
 19 *subsection (a) or is authorized to receive medical care*
 20 *under subsection (b); and*

21 “(B) *is at least 5 years of age and less than 12*
 22 *years of age.*

23 “(3) *Nothing in paragraph (2) may be construed to*
 24 *prohibit the furnishing of a school-required physical exam-*
 25 *ination to any dependent who, except for not satisfying the*

1 *age requirement under that paragraph, would otherwise be*
 2 *eligible for a physical examination required to be furnished*
 3 *under this subsection.”.*

4 **SEC. 735. TWO-YEAR EXTENSION OF DENTAL AND MEDICAL**
 5 **BENEFITS FOR SURVIVING DEPENDENTS OF**
 6 **CERTAIN DECEASED MEMBERS.**

7 *(a) DENTAL BENEFITS.—Section 1076a(k)(2) of title*
 8 *10, United States Code, is amended by striking “one-year*
 9 *period” and inserting “three-year period”.*

10 *(b) MEDICAL BENEFITS.—Section 1079(g) of title 10,*
 11 *United States Code, is amended by striking “one-year pe-*
 12 *riod” in the second sentence and inserting “three-year pe-*
 13 *riod”.*

14 **SEC. 736. EXTENSION OF AUTHORITY FOR CONTRACTS FOR**
 15 **MEDICAL SERVICES AT LOCATIONS OUTSIDE**
 16 **MEDICAL TREATMENT FACILITIES.**

17 *Section 1091(a)(2) of title 10, United States Code, is*
 18 *amended by striking “December 31, 2000” and inserting*
 19 *“September 30, 2002”.*

20 **SEC. 737. TRANSITION OF CHIROPRACTIC HEALTH CARE**
 21 **DEMONSTRATION PROGRAM TO PERMANENT**
 22 **STATUS.**

23 *(a) TRICARE PRIME BENEFITS.—The Secretary of*
 24 *Defense shall complete the development and implementation*
 25 *of a program to provide chiropractic health care services*

1 *and benefits for all TRICARE Prime enrollees as a perma-*
2 *nent part of the military health care system for the enrollees*
3 *in that plan, as follows:*

4 (1) *At the military medical treatment facilities*
5 *designated pursuant to section 731(a)(2)(A) of the*
6 *National Defense Authorization Act for Fiscal Year*
7 *1995 (Public Law 103–337; 10 U.S.C. 1092 note), not*
8 *later than 180 days after the date of the enactment*
9 *of this Act.*

10 (2) *At the other military medical treatment fa-*
11 *cilities considered by the Secretary of Defense to be*
12 *major military medical treatment facilities, not later*
13 *than October 1, 2001.*

14 (b) *PRIMARY CARE MANAGEMENT.*—*The Secretary*
15 *shall ensure that the primary care manager model, which*
16 *requires referral by a primary care manager, is used for*
17 *providing the chiropractic health care services and benefits*
18 *under the program referred to in subsection (a).*

19 (c) *CONTINUATION OF EXISTING CHIROPRACTIC BENE-*
20 *FITS.*—*Section 731(a)(4) of the National Defense Author-*
21 *ization Act for Fiscal Year 1995 is amended—*

22 (1) *by striking “During fiscal year 2000, the”*
23 *and inserting “The”; and*

24 (2) *by adding at the end the following: “The re-*
25 *quirement under the preceding sentence shall cease to*

1 *apply with respect to a military medical treatment*
 2 *facility on the date on which the Secretary of Defense*
 3 *completes the implementation of a program to provide*
 4 *chiropractic health care services and benefits at that*
 5 *facility for all TRICARE Prime enrollees as a perma-*
 6 *nent part of the military health care system for the*
 7 *enrollees in that plan.”.*

8 **SEC. 738. USE OF INFORMATION TECHNOLOGY FOR EN-**
 9 **HANCEMENT OF DELIVERY OF ADMINISTRA-**
 10 **TIVE SERVICES UNDER THE DEFENSE**
 11 **HEALTH PROGRAM.**

12 (a) *REQUIREMENT.*—*The Secretary of Defense shall*
 13 *take the actions that the Secretary determines necessary to*
 14 *use, in at least one TRICARE program region, commer-*
 15 *cially available information technology systems and prod-*
 16 *ucts to simplify the critical administrative processes of the*
 17 *defense health program (including TRICARE), to enhance*
 18 *the efficiency of the performance of administrative services*
 19 *under the program, to match commercially recognized*
 20 *standards of performance of the services, and otherwise to*
 21 *improve the performance of the services.*

22 (b) *IMPLEMENTATION.*—*In carrying out subsection*
 23 *(a), the Secretary shall ensure that—*

24 (1) *the use of Internet technology is incorporated*
 25 *into the processes referred to in that subsection; and*

1 (2) *conversions to new or different computer*
2 *technologies incorporate data requirements that are*
3 *widely used in the marketplace (including those used*
4 *by medicare or commercial insurers) for the perform-*
5 *ance of administrative services.*

6 (c) *ADMINISTRATIVE SERVICES DEFINED.—In this*
7 *section, the term “administrative services” includes the per-*
8 *formance of the following functions:*

9 (1) *Marketing.*

10 (2) *Enrollment.*

11 (3) *Program education of beneficiaries.*

12 (4) *Program education of health care providers.*

13 (5) *Scheduling of appointments.*

14 (6) *Processing of claims.*

15 **SEC. 739. PATIENT CARE REPORTING AND MANAGEMENT**
16 **SYSTEM.**

17 (a) *ESTABLISHMENT.—The Secretary of Defense shall*
18 *establish a patient care error reporting and management*
19 *system.*

20 (b) *PURPOSES OF SYSTEM.—The purposes of the sys-*
21 *tem are as follows:*

22 (1) *To study the occurrences of errors in the pa-*
23 *tient care provided under chapter 55 of title 10,*
24 *United States Code.*

1 (2) *To identify the systemic factors that are asso-*
2 *ciated with such occurrences.*

3 (3) *To provide for action to be taken to correct*
4 *the identified systemic factors.*

5 (c) *REQUIREMENTS FOR SYSTEM.—The patient care*
6 *error reporting and management system shall include the*
7 *following:*

8 (1) *A hospital-level patient safety center, within*
9 *the quality assurance department of each health care*
10 *organization of the Department of Defense, to collect,*
11 *assess, and report on the nature and frequency of er-*
12 *rors related to patient care.*

13 (2) *For each health care organization of the De-*
14 *partment of Defense and for the entire Defense health*
15 *program, the patient safety baselines that are nec-*
16 *essary for the development of a full understanding of*
17 *patient safety issues in each such organization and*
18 *the entire program, including the nature and types of*
19 *errors and the systemic causes of the errors.*

20 (3) *A Department of Defense Patient Safety Cen-*
21 *ter within the Armed Forces Institute of Pathology to*
22 *have the following missions:*

23 (A) *To analyze information on patient care*
24 *errors that is submitted to the Center by each*
25 *military health care organization.*

1 (B) To develop action plans for addressing
2 patterns of patient care errors.

3 (C) To execute those action plans to miti-
4 gate and control errors in patient care with a
5 goal of ensuring that the health care organiza-
6 tions of the Department of Defense provide high-
7 ly reliable patient care with virtually no error.

8 (D) To provide, through the Assistant Sec-
9 retary of Defense for Health Affairs, to the Agen-
10 cy for Healthcare Research and Quality of the
11 Department of Health and Human Services any
12 reports that the Assistant Secretary determines
13 appropriate.

14 (E) To review and integrate processes for
15 reducing errors associated with patient care and
16 for enhancing patient safety.

17 (F) To contract with a qualified and objec-
18 tive external organization to manage the na-
19 tional patient safety database of the Department
20 of Defense.

21 (d) *MEDTEAMS PROGRAM.*—The Secretary shall ex-
22 pand the health care team coordination program to inte-
23 grate that program into all Department of Defense health
24 care operations. In carrying out this subsection, the Sec-
25 retary shall take the following actions:

1 (1) *Establish not less than two Centers of Excel-*
2 *lence for the development, validation, proliferation,*
3 *and sustainment of the health care team coordination*
4 *program, one of which shall support all fixed military*
5 *health care organizations, the other of which shall*
6 *support all combat casualty care organizations.*

7 (2) *Deploy the program to all fixed and combat*
8 *casualty care organizations of each of the Armed*
9 *Forces, at the rate of not less than 10 organizations*
10 *in each fiscal year.*

11 (3) *Expand the scope of the health care team co-*
12 *ordination program from a focus on emergency de-*
13 *partment care to a coverage that includes care in all*
14 *major medical specialties, at the rate of not less than*
15 *one specialty in each fiscal year.*

16 (4) *Continue research and development invest-*
17 *ments to improve communication, coordination, and*
18 *team work in the provision of health care.*

19 (e) *CONSULTATION.—The Secretary shall consult with*
20 *the other administering Secretaries (as defined in section*
21 *1072(3) of title 10, United States Code) in carrying out*
22 *this section.*

1 **SEC. 740. HEALTH CARE MANAGEMENT DEMONSTRATION**
2 **PROGRAM.**

3 (a) *ESTABLISHMENT.*—*The Secretary of Defense shall*
4 *carry out a demonstration program on health care manage-*
5 *ment to explore opportunities for improving the planning*
6 *and management of the Department of Defense health care*
7 *system.*

8 (b) *TEST MODELS.*—*Under the demonstration pro-*
9 *gram, the Secretary shall test the use of the following plan-*
10 *ning and management models:*

11 (1) *A health care simulation model for studying*
12 *alternative delivery policies, processes, organizations,*
13 *and technologies.*

14 (2) *A health care simulation model for studying*
15 *long term disease management.*

16 (c) *DEMONSTRATION SITES.*—*The Secretary shall test*
17 *each model separately at one or more sites.*

18 (d) *PERIOD FOR PROGRAM.*—*The demonstration pro-*
19 *gram shall begin not later than 180 days after the date of*
20 *the enactment of this Act and shall terminate on December*
21 *31, 2001.*

22 (e) *REPORTS.*—*The Secretary of Defense shall submit*
23 *a report on the demonstration program to the Committees*
24 *on Armed Services of the Senate and the House of Rep-*
25 *resentatives not later than March 15, 2002. The report shall*
26 *include the Secretary's assessment of the value of incor-*

1 porating the use of the tested planning and management
2 models throughout the Department of Defense health care
3 system.

4 (f) *FUNDING.*—Of the amount authorized to be appro-
5 priated under section 301(22), \$6,000,000 shall be available
6 for the demonstration program under this section.

7 **SEC. 741. STUDIES OF ACCRUAL FINANCING FOR HEALTH**
8 **CARE FOR MILITARY RETIREES.**

9 (a) *STUDIES REQUIRED.*—The Secretary of Defense
10 shall carry out two studies to assess the feasibility and de-
11 sirability of financing the military health care program for
12 retirees of the uniformed services on an accrual basis.

13 (b) *SOURCES OF STUDIES.*—The Secretary shall pro-
14 vide for—

15 (1) one of the studies under subsection (a) to be
16 conducted by one or more Department of Defense or-
17 ganizations designated by the Secretary; and

18 (2) the other study to be conducted by an organi-
19 zation that is independent of the Department of De-
20 fense and has expertise in financial programs and
21 health care.

22 (c) *REPORTS.*—(1) The Secretary shall provide for the
23 submission of a final report on each study to the Secretary
24 within such time as the Secretary determines necessary to
25 satisfy the requirement in paragraph (2).

1 (2) *The Secretary shall transmit the final reports on*
2 *the studies to Congress not later than February 8, 2001.*
3 *The Secretary may include in the transmittal any com-*
4 *ments on the reports or on the matters studied that the Sec-*
5 *retary considers appropriate.*

6 **SEC. 742. AUGMENTATION OF ARMY MEDICAL DEPARTMENT**
7 **BY RESERVE OFFICERS OF THE PUBLIC**
8 **HEALTH SERVICE.**

9 (a) *AUTHORITY.*—*The Secretary of the Army and the*
10 *Secretary of Health and Human Services may jointly con-*
11 *duct a program to augment the Army Medical Department*
12 *by exercising any authorities provided to those officials in*
13 *law for the detailing of reserve commissioned officers of the*
14 *Public Health Service not in an active status to the Army*
15 *Medical Department for that purpose.*

16 (b) *AGREEMENT.*—*The Secretary of the Army and the*
17 *Secretary of Health and Human Services shall enter into*
18 *an agreement governing any program conducted under sub-*
19 *section (a).*

20 (c) *ASSESSMENT.*—(1) *The Secretary of the Army shall*
21 *review the laws providing the authorities described in sub-*
22 *section (a) and assess the adequacy of those laws for*
23 *authorizing—*

24 (A) *the Secretary of Health and Human Services*
25 *to detail reserve commissioned officers of the Public*

1 *Health Service not in an active status to the Army*
2 *Medical Department to augment that department;*
3 *and*

4 *(B) the Secretary of the Army to accept the de-*
5 *tail of such officers for that purpose.*

6 *(2) The Secretary shall complete the review and assess-*
7 *ment under paragraph (1) not later than 90 days after the*
8 *date of the enactment of this Act.*

9 *(d) REPORT TO CONGRESS.—Not later than March 1,*
10 *2001, the Secretary of the Army shall submit a report on*
11 *the results of the review and assessment under subsection*
12 *(c) to the Committees on Armed Services of the Senate and*
13 *the House of Representatives. The report shall include the*
14 *following:*

15 *(1) The findings resulting from the review and*
16 *assessment.*

17 *(2) Any proposal for legislation that the Sec-*
18 *retary recommends to strengthen the authority of the*
19 *Secretary of Health and Human Services and the au-*
20 *thority of the Secretary of the Army to take the ac-*
21 *tions described in subparagraphs (A) and (B), respec-*
22 *tively, of subsection (c)(1).*

23 *(e) CONSULTATION REQUIREMENT.—The Secretary of*
24 *the Army shall consult with the Secretary of Health and*
25 *Human Services in carrying out the review and assessment*

1 *under subsection (c) and in preparing the report (including*
 2 *making recommendations) under subsection (d).*

3 **SEC. 743. SERVICE AREAS OF TRANSFEREES OF FORMER**
 4 **UNIFORMED SERVICES TREATMENT FACILI-**
 5 **TIES THAT ARE INCLUDED IN THE UNI-**
 6 **FORMED SERVICES HEALTH CARE DELIVERY**
 7 **SYSTEM.**

8 *Section 722(e) of the National Defense Authorization*
 9 *Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C.*
 10 *1073 note) is amended—*

11 *(1) by inserting “(1)” after “(e) SERVICE*
 12 *AREA.—”; and*

13 *(2) by adding at the end the following:*

14 *“(2) The Secretary may, with the agreement of a des-*
 15 *ignated provider, expand the service area of the designated*
 16 *provider as the Secretary determines necessary to permit*
 17 *covered beneficiaries to enroll in the designated provider’s*
 18 *managed care plan. The expanded service area may include*
 19 *one or more noncontiguous areas.”.*

20 **SEC. 744. BLUE RIBBON ADVISORY PANEL ON DEPARTMENT**
 21 **OF DEFENSE POLICIES REGARDING THE PRI-**
 22 **VACY OF INDIVIDUAL MEDICAL RECORDS.**

23 *(a) ESTABLISHMENT.—(1) There is hereby established*
 24 *an advisory panel to be known as the Blue Ribbon Advisory*
 25 *Panel on Department of Defense Policies Regarding the Pri-*

1 *vacy of Individual Medical Records (in this section referred*
2 *to as the “Panel”).*

3 *(2)(A) The Panel shall be composed of 7 members ap-*
4 *pointed by the President, of whom—*

5 *(i) at least one shall be a member of a consumer*
6 *organization;*

7 *(ii) at least one shall be a medical professional;*

8 *(iii) at least one shall have a background in*
9 *medical ethics; and*

10 *(iv) at least one shall be a member of the Armed*
11 *Forces.*

12 *(B) The appointments of the members of the Panel*
13 *shall be made not later than 30 days after the date of the*
14 *enactment of this Act.*

15 *(3) No later than 30 days after the date on which all*
16 *members of the Panel have been appointed, the Panel shall*
17 *hold its first meeting.*

18 *(4) The Panel shall select a Chairman and Vice Chair-*
19 *man from among its members.*

20 *(b) DUTIES.—(1) The Panel shall conduct a thorough*
21 *study of all matters relating to the policies and practices*
22 *of the Department of Defense regarding the privacy of indi-*
23 *vidual medical records.*

24 *(2) Not later than April 30, 2001, the Panel shall sub-*
25 *mit a report to the President and Congress which shall con-*

1 *tain a detailed statement of the findings and conclusions*
2 *of the Panel, together with its recommendations for such*
3 *legislation and administrative actions as it considers ap-*
4 *propriate to ensure the privacy of individual medical*
5 *records.*

6 (c) *POWERS.—(1) The Panel may hold such hearings,*
7 *sit and act at such times and places, take such testimony,*
8 *and receive such evidence as the Panel considers advisable*
9 *to carry out the purposes of this section.*

10 (2) *The Panel may secure directly from the Depart-*
11 *ment of Defense, and any other Federal department or agen-*
12 *cy, such information as the Panel considers necessary to*
13 *carry out the provisions of this section. Upon request of the*
14 *Chairman of the Panel, the Secretary of Defense, or the head*
15 *of such department or agency, shall furnish such informa-*
16 *tion to the Panel.*

17 (3) *The Panel may use the United States mails in the*
18 *same manner and under the same conditions as other de-*
19 *partments and agencies of the Federal Government.*

20 (4) *The Panel may accept, use, and dispose of gifts*
21 *or donations of services or property.*

22 (5) *Any Federal Government employee may be detailed*
23 *to the Panel without reimbursement, and such detail shall*
24 *be without interruption or loss of civil service status or*
25 *privilege.*

1 (d) *TERMINATION.*—*The Panel shall terminate 30 days*
 2 *after the date on which the Panel submits its report under*
 3 *subsection (b)(2).*

4 (e) *FUNDING.*—(1) *Of the amounts authorized to be ap-*
 5 *propriated by this Act, the Secretary shall make available*
 6 *to the Panel such sums as the Panel may require for its*
 7 *activities under this section.*

8 (2) *Any sums made available under paragraph (1)*
 9 *shall remain available, without fiscal year limitation, until*
 10 *expended.*

11 ***TITLE VIII—ACQUISITION POL-***
 12 ***ICY, ACQUISITION MANAGE-***
 13 ***MENT, AND RELATED MAT-***
 14 ***TERS***

15 ***SEC. 801. IMPROVEMENTS IN PROCUREMENTS OF SERV-***
 16 ***ICES.***

17 (a) *PREFERENCE FOR PERFORMANCE-BASED SERVICE*
 18 *CONTRACTING.*—*Not later than 180 days after the date of*
 19 *the enactment of this Act, the Federal Acquisition Regula-*
 20 *tion issued in accordance with sections 6 and 25 of the Of-*
 21 *fice of Federal Procurement Policy Act (41 U.S.C. 405 and*
 22 *421) shall be revised to establish a preference for use of con-*
 23 *tracts and task orders for the purchase of services in the*
 24 *following order of precedence:*

1 (1) *A performance-based contract or perform-*
2 *ance-based task order that contains firm fixed prices*
3 *for the specific tasks to be performed.*

4 (2) *Any other performance-based contract or per-*
5 *formance-based task order.*

6 (3) *Any contract or task order that is not a per-*
7 *formance-based contract or a performance-based task*
8 *order.*

9 (b) *INCENTIVE FOR USE OF PERFORMANCE-BASED*
10 *SERVICE CONTRACTS.—(1) A Department of Defense per-*
11 *formance-based contract or performance-based task order*
12 *may be treated as a contract for the procurement of com-*
13 *mercial items if—*

14 (A) *the contract or task order is valued at*
15 *\$5,000,000 or less;*

16 (B) *the contract or task order sets forth specifi-*
17 *cally each task to be performed and, for each task—*

18 (i) *defines the task in measurable, mission-*
19 *related terms;*

20 (ii) *identifies the specific end products or*
21 *output to be achieved; and*

22 (iii) *contains a firm fixed price; and*

23 (C) *the source of the services provides similar*
24 *services contemporaneously to the general public*

1 *under terms and conditions similar to those offered to*
2 *the Federal Government.*

3 (2) *The special simplified procedures provided in the*
4 *Federal Acquisition Regulation pursuant to section*
5 *2304(g)(1)(B) of title 10, United States Code, shall not*
6 *apply to a performance-based contract or performance-*
7 *based task order that is treated as a contract for the pro-*
8 *curement of commercial items under paragraph (1).*

9 (3) *Not later than 2 years after the date of the enact-*
10 *ment of this Act, the Comptroller General shall submit a*
11 *report on the implementation of this subsection to the con-*
12 *gressional defense committees.*

13 (4) *The authority under this subsection shall not apply*
14 *to contracts entered into or task orders issued more than*
15 *3 years after the date of the enactment of this Act.*

16 (c) *CENTERS OF EXCELLENCE IN SERVICE CON-*
17 *TRACTING.*—*Not later than 180 days after the date of the*
18 *enactment of this Act, the Secretary of each military de-*
19 *partment shall establish at least one center of excellence in*
20 *contracting for services. Each center of excellence shall assist*
21 *the acquisition community by identifying, and serving as*
22 *a clearinghouse for, best practices in contracting for services*
23 *in the public and private sectors.*

24 (d) *ENHANCED TRAINING IN SERVICE CON-*
25 *TRACTING.*—(1) *The Secretary of Defense shall ensure that*

1 *classes focusing specifically on contracting for services are*
2 *offered by the Defense Acquisition University and the De-*
3 *fense Systems Management College and are otherwise avail-*
4 *able to contracting personnel throughout the Department of*
5 *Defense.*

6 (2) *The Secretary of each military department and the*
7 *head of each Defense Agency shall ensure that the personnel*
8 *of the department or agency, as the case may be, who are*
9 *responsible for the awarding and management of contracts*
10 *for services receive appropriate training that is focused spe-*
11 *cifically on contracting for services.*

12 (e) *DEFINITIONS.—In this section:*

13 (1) *The term “performance-based”, with respect*
14 *to a contract, a task order, or contracting, means that*
15 *the contract, task order, or contracting, respectively,*
16 *includes the use of performance work statements that*
17 *set forth contract requirements in clear, specific, and*
18 *objective terms with measurable outcomes.*

19 (2) *The term “commercial item” has the mean-*
20 *ing given the term in section 4(12) of the Office of*
21 *Federal Procurement Policy Act (41 U.S.C. 403(12)).*

22 (3) *The term “Defense Agency” has the meaning*
23 *given the term in section 101(a)(11) of title 10,*
24 *United States Code.*

1 **SEC. 802. ADDITION OF THRESHOLD VALUE REQUIREMENT**
 2 **FOR APPLICABILITY OF A REPORTING RE-**
 3 **QUIREMENT RELATING TO MULTIYEAR CON-**
 4 **TRACT.**

5 *Section 2036b(l)(4) of title 10, United States Code, is*
 6 *amended by striking “until the Secretary of Defense submits*
 7 *to the congressional defense committees a report with respect*
 8 *to that contract (or contract extension)” in the matter pre-*
 9 *ceding subparagraph (A) and inserting “the value of which*
 10 *would exceed \$500,000,000 (when entered into or when ex-*
 11 *tended, as the case may be) until the Secretary of Defense*
 12 *has submitted to the congressional defense committees a re-*
 13 *port”.*

14 **SEC. 803. PLANNING FOR THE ACQUISITION OF INFORMA-**
 15 **TION SYSTEMS.**

16 *(a) RESPONSIBILITY OF CHIEF INFORMATION OFFI-*
 17 *CERS.—Section 2223 of title 10, United States Code, is*
 18 *amended—*

19 *(1) in subsection (a)—*

20 *(A) by striking “and” at the end of para-*
 21 *graph (3);*

22 *(B) by striking the period at the end of*
 23 *paragraph (4) and inserting “; and”; and*

24 *(C) by adding at the end the following:*

25 *“(5) maintain a consolidated inventory of De-*
 26 *partment of Defense mission critical and mission es-*

1 *sential information systems, identify interfaces be-*
2 *tween these systems and other information systems,*
3 *and develop and maintain contingency plans for re-*
4 *sponding to a disruption in the operation of any of*
5 *these information systems.”; and*

6 *(2) in subsection (b)—*

7 *(A) by striking “and” at the end of para-*
8 *graph (3);*

9 *(B) by striking the period at the end of*
10 *paragraph (4) and inserting “; and”; and*

11 *(C) by adding at the end the following:*

12 *“(5) maintain an inventory of the mission crit-*
13 *ical and mission essential information systems of the*
14 *military department, identify interfaces between these*
15 *systems and other information systems, and develop*
16 *and maintain contingency plans for responding to a*
17 *disruption in the operation of any of these informa-*
18 *tion systems.”.*

19 *(b) REVISED REGULATIONS REQUIRED.—Not later*
20 *than 60 days after the date of enactment of this Act, De-*
21 *partment of Defense Directive 5000.1 shall be revised to es-*
22 *tablish minimum planning requirements for the acquisition*
23 *of information technology systems.*

1 (c) *MISSION CRITICAL AND MISSION ESSENTIAL IN-*
2 *FORMATION TECHNOLOGY SYSTEMS.*—*The revised directive*
3 *required by subsection (b) shall—*

4 (1) *include definitions of the terms “mission*
5 *critical information system” and “mission essential*
6 *information system”; and*

7 (2) *prohibit the award of any contract for the*
8 *acquisition of a mission critical or mission essential*
9 *information technology system until—*

10 (A) *the system has been registered with the*
11 *Chief Information Officer of the Department of*
12 *Defense;*

13 (B) *the Chief Information Officer has re-*
14 *ceived all information on the system that is re-*
15 *quired under the directive to be provided to that*
16 *official; and*

17 (C) *the Chief Information Officer has deter-*
18 *mined that an appropriate information assur-*
19 *ance strategy is in place for the system.*

20 (d) *MAJOR AUTOMATED INFORMATION SYSTEMS.*—*The*
21 *revised directive required by subsection (b) shall prohibit*
22 *Milestone I approval, Milestone II approval, or Milestone*
23 *III approval of a major automated information system*
24 *within the Department of Defense until the Chief Informa-*
25 *tion Officer has determined that—*

1 (1) *the system is being developed in accordance*
2 *with the requirements of division E of the Clinger-*
3 *Cohen Act of 1996 (40 U.S.C. 1401 et seq.);*

4 (2) *appropriate actions have been taken with re-*
5 *spect to the system in the areas of business process re-*
6 *engineering, analysis of alternatives, economic anal-*
7 *ysis, and performance measures; and*

8 (3) *the system has been registered as described in*
9 *subsection (c)(2).*

10 (e) *REPORTS.—(1) The Secretary of Defense shall sub-*
11 *mit to the congressional defense committees, not later than*
12 *February 1 of each of fiscal years 2001, 2002, and 2003,*
13 *a report on the implementation of the requirements of this*
14 *section during the preceding fiscal year.*

15 (2) *The report for a fiscal year under paragraph (1)*
16 *shall include, at a minimum, for each major automated in-*
17 *formation system that was approved during such preceding*
18 *fiscal year under Department of Defense Directive 5000.1*
19 *(as revised pursuant to subsection (d)), the following:*

20 (A) *The funding baseline.*

21 (B) *The milestone schedule.*

22 (C) *The actions that have been taken to ensure*
23 *compliance with the requirements of this section and*
24 *the directive.*

1 (3) *The report for fiscal year 2000 shall include, in*
2 *addition to the information required by paragraph (2), an*
3 *explanation of the manner in which the responsible officials*
4 *within the Department of Defense have addressed, or intend*
5 *to address, the following acquisition issues for each major*
6 *automated information system to be acquired after that fis-*
7 *cal year:*

8 (A) *Requirements definition.*

9 (B) *Presentation of a business case analysis, in-*
10 *cluding an analysis of alternatives and a calculation*
11 *of return on investment.*

12 (C) *Performance measurement.*

13 (D) *Test and evaluation.*

14 (E) *Interoperability.*

15 (F) *Cost, schedule, and performance baselines.*

16 (G) *Information assurance.*

17 (H) *Incremental fielding and implementation.*

18 (I) *Risk mitigation.*

19 (J) *The role of integrated product teams.*

20 (K) *Issues arising from implementation of the*
21 *Command, Control, Communications, Computers, In-*
22 *telligence, Surveillance, and Reconnaissance Plan re-*
23 *quired by Department of Defense Directive 5000.1*
24 *and Chairman of the Joint Chiefs of Staff Instruction*
25 *3170.01.*

1 (L) Oversight, including the Chief Information
2 Officer’s oversight of decision reviews.

3 (f) *DEFINITIONS.*—In this section:

4 (1) The term “Chief Information Officer” means
5 the senior official of the Department of Defense des-
6 ignated by the Secretary of Defense pursuant to sec-
7 tion 3506 of title 44, United States Code.

8 (2) The term “information technology system”
9 has the meaning given the term “information tech-
10 nology” in section 5002 of the Clinger-Cohen Act of
11 1996 (40 U.S.C. 1401).

12 (3) The term “major automated information sys-
13 tem” has the meaning given that term in Department
14 of Defense Directive 5000.1.

15 **SEC. 804. TRACKING OF INFORMATION TECHNOLOGY PUR-**
16 **CHASES.**

17 (a) *REQUIREMENT FOR TRACKING SYSTEM.*—(1)
18 Chapter 131 of title 10, United States Code, is amended
19 by adding at the end the following:

20 **“§ 2225. Information technology purchases: automated**
21 **tracking and management systems**

22 “(a) *REQUIREMENT FOR SYSTEMS.*—(1) The Secretary
23 of each military department shall administer an automated
24 system for tracking and managing purchases of information
25 technology products and services by the department.

1 “(2) *The Secretary of Defense shall administer an*
2 *automated system for tracking and managing purchases of*
3 *information technology products and services by the Defense*
4 *Agencies.*

5 “(b) *PURCHASE TO WHICH APPLICABLE.—Each sys-*
6 *tem under subsection (a) shall, at a minimum, provide for*
7 *collection of data on all purchases of information technology*
8 *products and services in excess of the simplified acquisition*
9 *threshold, regardless of whether such purchases are made in*
10 *the form of a contract, grant, cooperative agreement, other*
11 *transaction, task order, delivery order, or military inter-*
12 *departmental purchase request, or in any other form.*

13 “(c) *DATA TO BE INCLUDED.—The information col-*
14 *lected under each such system shall include, for each pur-*
15 *chase, the following:*

16 “(1) *The products or services purchased.*

17 “(2) *The categorization of the products or serv-*
18 *ices as commercial off-the-shelf products, other com-*
19 *mercial items, nondevelopmental items other than*
20 *commercial items, other noncommercial items, or*
21 *services.*

22 “(3) *The total dollar amount of the purchase.*

23 “(4) *The contract form used to make the pur-*
24 *chase.*

1 “(5) *In the case of a purchase made through an-*
2 *other agency—*

3 “(A) *the agency through which the purchase*
4 *is made; and*

5 “(B) *the reasons for making the purchase*
6 *through that agency.*

7 “(6) *The type of pricing used to make the pur-*
8 *chase (whether by fixed price or by another specified*
9 *type of pricing).*

10 “(7) *The extent of competition provided for in*
11 *making the purchase.*

12 “(8) *A statement regarding whether the purchase*
13 *was made from—*

14 “(A) *a small business concern;*

15 “(B) *a small business concern owned and*
16 *controlled by socially and economically dis-*
17 *advantaged individuals; or*

18 “(C) *a small business concern owned and*
19 *controlled by women.*

20 “(9) *A statement regarding whether the purchase*
21 *was made in compliance with the planning require-*
22 *ments provided under sections 5112, 5113, 5122, and*
23 *5123 of the Clinger-Cohen Act of 1996 (40 U.S.C.*
24 *1412, 1413, 1242, 1423).*

1 “(10) *In the case of frequently-purchased com-*
 2 *mercial off-the-shelf items, data that informs man-*
 3 *agers of the unit prices paid for the items and enables*
 4 *the managers to ensure that such prices are fair and*
 5 *reasonable.*

6 “(d) *LIMITATION ON PURCHASES.—No purchase of in-*
 7 *formation technology products or services in excess of the*
 8 *simplified acquisition threshold shall be made for the De-*
 9 *partment of Defense through a Federal Government agency*
 10 *that is outside the Department of Defense unless—*

11 “(1) *data on the purchase is included in a track-*
 12 *ing system that meets the requirements of subsections*
 13 *(a), (b), and (c); or*

14 “(2) *the purchase—*

15 “(A) *in the case of a purchase by a Defense*
 16 *Agency, is approved by the Under Secretary of*
 17 *Defense for Acquisition, Technology, and Logis-*
 18 *tics; or*

19 “(B) *in the case of a purchase by a military*
 20 *department, is approved by the senior procure-*
 21 *ment executive of the military department.*

22 “(e) *ANNUAL REPORT.—Not later than February 15*
 23 *of each fiscal year, the Secretary of Defense shall submit*
 24 *to the Committees on Armed Services of the Senate and the*
 25 *House of Representatives a report on the purchases of infor-*

1 *mation technology products and services that were made by*
2 *the military departments and Defense Agencies during the*
3 *preceding fiscal year. The report shall set forth an aggrega-*
4 *tion of the information collected in accordance with sub-*
5 *section (c).*

6 “(f) *DEFINITIONS.—In this section:*

7 “(1) *The term ‘senior procurement executive’,*
8 *with respect to a military department, means the offi-*
9 *cial designated as the senior procurement executive*
10 *for the military department for the purposes of sec-*
11 *tion 16(3) of the Office of Federal Procurement Policy*
12 *Act (41 U.S.C. 414(3)).*

13 “(2) *The term ‘simplified acquisition threshold’*
14 *has the meaning given the term in section 4(11) of the*
15 *Office of Federal Procurement Policy Act (31 U.S.C.*
16 *403(11)).*

17 “(3) *The term ‘small business concern’ means a*
18 *business concern that meets the applicable size stand-*
19 *ards prescribed pursuant to section 3(a) of the Small*
20 *Business Act (15 U.S.C. 632(a)).*

21 “(4) *The term ‘small business concern owned and*
22 *controlled by socially and economically disadvantaged*
23 *individuals’ has the meaning given that term in sec-*
24 *tion 8(d)(3)(C) of the Small Business Act (15 U.S.C.*
25 *637(d)(3)(C)).*

“2225. *Information technology purchases: automated tracking and management systems.*”.

14 (2) Subsection (d) of section 2225 of title 10, United
15 States Code (as so added), shall apply to purchases de-
16 scribed in that subsection for which solicitations of offers
17 are issued more than one year after the date of the enact-
18 ment of this Act.

HR 4205 EAS

1 *ment of the extent to which the systems meet the require-*
2 *ments of that section.*

3 **SEC. 805. REPEAL OF REQUIREMENT FOR CONTRACTOR AS-**
4 **SURANCES REGARDING THE COMPLETENESS,**
5 **ACCURACY, AND CONTRACTUAL SUFFICIENCY**
6 **OF TECHNICAL DATA PROVIDED BY THE CON-**
7 **TRACTOR.**

8 *Section 2320(b) of title 10, United States Code, is*
9 *amended—*

10 *(1) by striking paragraph (7); and*

11 *(2) by redesignating paragraphs (8) and (9) as*
12 *paragraphs (7) and (8), respectively.*

13 **SEC. 806. EXTENSION OF AUTHORITY FOR DEPARTMENT OF**
14 **DEFENSE ACQUISITION PILOT PROGRAMS.**

15 *Section 5064(d)(2) of the Federal Acquisition Stream-*
16 *lining Act of 1994 (Public Law 103–355; 108 Stat. 3361;*
17 *10 U.S.C. 2430 note) is amended by striking “45 days after*
18 *the date of the enactment of this Act and ends on September*
19 *30, 1998” and inserting “on October 13, 1994, and ends*
20 *on October 1, 2007”.*

1 **SEC. 807. CLARIFICATION AND EXTENSION OF AUTHORITY**
2 **TO CARRY OUT CERTAIN PROTOTYPE**
3 **PROJECTS.**

4 (a) *AMENDMENTS TO AUTHORITY.*—Section 845 of the
5 *National Defense Authorization Act for Fiscal Year 1994*
6 *(10 U.S.C. 2371 note)* is amended by—

7 (1) redesignating subsection (d) as subsection (g);
8 and

9 (2) inserting after subsection (c) the following:

10 “(d) *APPROPRIATE USE OF AUTHORITY.*—(1) *The Sec-*
11 *retary of Defense shall ensure that no official of an agency*
12 *enters into an agreement for a prototype project under the*
13 *authority of this section unless—*

14 “(A) *at least 20 percent of the total cost of the*
15 *prototype project is to be paid out of funds provided*
16 *by parties to the agreement other than the Federal*
17 *Government (not including funds provided by such*
18 *parties in the form of independent research and devel-*
19 *opment costs and other costs that are reimbursed as*
20 *indirect costs under Federal Government contracts);*

21 “(B) *at least 40 percent of the total cost of the*
22 *prototype project is to be paid out of funds provided*
23 *by parties to the agreement other than the Federal*
24 *Government (including funds provided by such par-*
25 *ties in the form of independent research and develop-*

1 *ment costs and other costs that are reimbursed as in-*
2 *direct costs under Federal Government contracts);*

3 *“(C) there is at least one nontraditional defense*
4 *contractor participating to a significant extent in the*
5 *prototype project; or*

6 *“(D) the senior procurement executive for the*
7 *agency (as designated for the purposes of section*
8 *16(3) of the Office of Federal Procurement Policy Act*
9 *(41 U.S.C. 414(3))) determines in writing that ex-*
10 *traordinary circumstances justify the use of the au-*
11 *thority of section 2371 of title 10, United States Code,*
12 *in accordance with the requirements of this section, to*
13 *enter into the particular agreement.*

14 *“(2)(A) Except as provided in subparagraph (B), the*
15 *amounts counted for the purposes of this subsection as being*
16 *provided or to be provided by a party other than the Federal*
17 *Government under an agreement for a prototype project*
18 *that is entered into under this section do not include costs*
19 *that were incurred before the date on which the agreement*
20 *becomes effective.*

21 *“(B) Costs that were incurred for a prototype project*
22 *by a party after the beginning of negotiations resulting in*
23 *an agreement for the project under this section may be*
24 *counted for the purposes of this subsection as being provided*
25 *or to be provided by the party under the agreement if and*

1 *to the extent that the contracting officer or another official*
2 *responsible for entering into the agreement determines in*
3 *writing that—*

4 “(i) *the party incurred the costs in anticipation*
5 *of entering into the agreement; and*

6 “(ii) *it was appropriate for the party to incur*
7 *the costs before the agreement became effective in*
8 *order to ensure the successful implementation of the*
9 *agreement.*

10 “(e) *PILOT PROGRAM FOR TRANSITION TO FOLLOW-*
11 *ON CONTRACTS.—(1) The Secretary of Defense is authorized*
12 *to carry out a pilot program for follow-on contracting for*
13 *the production of items or processes that are developed by*
14 *nontraditional defense contractors under prototype projects*
15 *carried out under this section.*

16 “(2) *Under the pilot program—*

17 “(A) *a qualifying contract for the procurement of*
18 *such an item or process, or a qualifying subcontract*
19 *under a contract for the procurement of such an item*
20 *or process, may be treated as a contract or sub-*
21 *contract, respectively, for the procurement of commer-*
22 *cial items, as defined in section 4(12) of the Office of*
23 *Federal Procurement Policy Act (41 U.S.C. 403(12));*
24 *and*

1 “(B) *the item or process may be treated as an*
2 *item or process, respectively, that is developed in part*
3 *with Federal funds and in part at private expense for*
4 *the purposes of section 2320 of title 10, United States*
5 *Code.*

6 “(3) *For the purposes of the pilot program, a quali-*
7 *fying contract or subcontract is a contract or subcontract,*
8 *respectively, with a nontraditional defense contractor*
9 *that—*

10 “(A) *does not exceed \$20,000,000; and*

11 “(B) *is either—*

12 “(i) *a firm, fixed-price contract or sub-*
13 *contract; or*

14 “(ii) *a fixed-price contract or subcontract*
15 *with economic price adjustment.*

16 “(4) *The authority to conduct a pilot program under*
17 *this subsection shall terminate on September 30, 2004. The*
18 *termination of the authority shall not affect the validity*
19 *of contracts or subcontracts that are awarded or modified*
20 *during the period of the pilot program, without regard to*
21 *whether the contracts or subcontracts are performed during*
22 *the period.*

23 “(f) *NONTRADITIONAL DEFENSE CONTRACTOR DE-*
24 *FINED.—In this section, the term ‘nontraditional defense*

1 contractor’ means an entity that has not, for a period of
2 at least three years, entered into—

3 “(1) any contract that is subject to the cost ac-
4 counting standards prescribed pursuant to section 26
5 of the Office of Federal Procurement Policy Act (41
6 U.S.C. 422); or

7 “(2) any other contract or agreement to carry
8 out prototype projects or to perform basic, applied, or
9 advanced research projects for a Federal Government
10 agency, other than an agreement entered into under
11 the authority of this section or section 2371 of title
12 10, United States Code.”.

13 (b) *EXTENSION OF AUTHORITY*.—Subsection (g) of
14 such section, as redesignated by subsection (a)(1), is amend-
15 ed by striking “September 30, 2001” and inserting “Sep-
16 tember 30, 2004”.

17 (c) *MORATORIUM*.—Beginning on the date that is 120
18 days after the date of the enactment of this Act, no trans-
19 action may be entered into under the authority of section
20 845 of the National Defense Authorization Act for Fiscal
21 Year 1994 or section 2371 of title 10, United States Code,
22 until the final regulations implementing such section 2371
23 (required by subsection (g) of such section) are published
24 in the Federal Register.

1 **SEC. 808. CLARIFICATION OF AUTHORITY OF COMP-**
 2 **TROLLER GENERAL TO REVIEW RECORDS OF**
 3 **PARTICIPANTS IN CERTAIN PROTOTYPE**
 4 **PROJECTS.**

5 (a) *COMPTROLLER GENERAL REVIEW.*—Section 845(c)
 6 of the National Defense Authorization Act for Fiscal Year
 7 1994 (10 U.S.C. 2371 note) is amended—

8 (1) by redesignating paragraphs (3) and (4) as
 9 paragraphs (4) and (5), respectively; and

10 (2) by inserting after paragraph (2) the fol-
 11 lowing new paragraph (3):

12 “(3)(A) *The right provided to the Comptroller General*
 13 *in a clause of an agreement under paragraph (1) is limited*
 14 *as provided in subparagraph (B) in the case of a party*
 15 *to the agreement, an entity that participates in the per-*
 16 *formance of the agreement, or a subordinate element of that*
 17 *party or entity if the only agreements or other transactions*
 18 *that the party, entity, or subordinate element entered into*
 19 *with Government entities in the year prior to the date of*
 20 *that agreement are cooperative agreements or transactions*
 21 *that were entered into under this section or section 2371*
 22 *of title 10, United States Code.*

23 “(B) *The only records of a party, other entity, or sub-*
 24 *ordinate element referred to in subparagraph (A) that the*
 25 *Comptroller General may examine in the exercise of the*
 26 *right referred to in that subparagraph are records of the*

1 *same type as the records that the Government has had the*
 2 *right to examine under the audit access clauses of the pre-*
 3 *vious agreements or transactions referred to in such sub-*
 4 *paragraph that were entered into by that particular party,*
 5 *entity, or subordinate element.”.*

6 **SEC. 809. ELIGIBILITY OF SMALL BUSINESS CONCERNS**
 7 **OWNED AND CONTROLLED BY WOMEN FOR**
 8 **ASSISTANCE UNDER THE MENTOR-PROTEGE**
 9 **PROGRAM.**

10 *Section 831(m)(2) of the National Defense Authoriza-*
 11 *tion Act for Fiscal Year 1991 (Public Law 101–510; 10*
 12 *U.S.C. 2302 note) is amended—*

13 *(1) by striking “or” at the end of subparagraph*
 14 *(C);*

15 *(2) by striking the period at the end of subpara-*
 16 *graph (D) and inserting “; or”; and*

17 *(3) by adding at the end the following:*

18 *“(E) a small business concern owned and*
 19 *controlled by women, as defined in section*
 20 *8(d)(3)(D) of the Small Business Act (15 U.S.C.*
 21 *637(d)(3)(D)).”.*

22 **SEC. 810. NAVY-MARINE CORPS INTRANET ACQUISITION.**

23 *(a) LIMITATION.—The performance of a contract for*
 24 *the acquisition of a Navy-Marine Corps Intranet may not*
 25 *begin until the Secretary of the Navy submits a report on*

1 *that contract to Congress. A report under this section shall*
2 *contain the following information:*

3 (1) *An estimate of the amount to be expended on*
4 *the contract by each of the Navy and Marine Corps*
5 *for each fiscal year.*

6 (2) *The accounts from which the performance of*
7 *the contract will be funded through the end of fiscal*
8 *year 2001.*

9 (3) *A plan for an incrementally phased imple-*
10 *mentation of the Navy-Marine Corps Intranet into*
11 *the operations of the shore-based activities of the Navy*
12 *and Marine Corps.*

13 (4) *The same information with regard to the*
14 *Navy-Marine Corps Intranet as is required to be in-*
15 *cluded in the report on major automated information*
16 *systems under paragraphs (2) and (3) of section*
17 *803(e).*

18 (5) *With regard to each major command in-*
19 *cluded in the first year of the implementation of the*
20 *contract—*

21 (A) *an estimate of the number of civilian*
22 *personnel currently performing functions that*
23 *are potentially included in the scope of the con-*
24 *tract;*

1 (B) the extent to which the contractor may
2 continue to rely upon that workforce to perform
3 functions after the award of the contract; and

4 (C) the plans of the Department of the Navy
5 for reassignment, reorganization, or other dis-
6 position of any portion of the workforce that does
7 not continue to perform current functions.

8 (b) *PROHIBITIONS.*—(1) The increment of the Navy-
9 Marine Corps Intranet that is implemented during the first
10 year of implementation may not include any activities of
11 the Marine Corps, the naval shipyards, or the naval avia-
12 tion depots.

13 (2) Funds available for fiscal year 2001 for activities
14 referred to in paragraph (1) may not be expended for any
15 contract for the Navy-Marine Corps Intranet.

16 (c) *APPLICABILITY OF STATUTORY AND REGULATORY*
17 *REQUIREMENTS.*—The acquisition of a Navy-Marine Corps
18 Intranet shall be managed by the Department of the Navy
19 in accordance with the requirements of—

20 (1) the Clinger-Cohen Act of 1996, including the
21 requirement for utilizing modular contracting in ac-
22 cordance with section 38 of the Office of Federal Pro-
23 curement Policy Act (41 U.S.C. 434); and

24 (2) Department of Defense Directives 5000.1 and
25 5000.2–R and all other directives, regulations, and

1 *management controls that are applicable to major in-*
2 *vestments in information technology and related serv-*
3 *ices.*

4 *(d) COMPTROLLER GENERAL REVIEW.—(1) At the*
5 *same time that the Secretary of the Navy submits a report*
6 *on the Navy-Marine Corps Intranet to Congress under sub-*
7 *section (a), the Secretary shall transmit a copy of the report*
8 *to the Comptroller General.*

9 *(2) Not later than 60 days after receiving a report on*
10 *the Navy-Marine Corps Intranet under paragraph (1), the*
11 *Comptroller General shall review the report and submit to*
12 *Congress any comments that the Comptroller General con-*
13 *siders appropriate regarding the report and the Navy-Ma-*
14 *rine Corps Intranet.*

15 *(e) PHASED IMPLEMENTATION TO COMMENCE DURING*
16 *FISCAL YEAR 2001—The Secretary of the Navy shall com-*
17 *mence a phased implementation of the Navy-Marine Corps*
18 *Intranet during fiscal year 2001. For the implementation*
19 *in that fiscal year—*

20 *(1) not more than fifteen percent of the total*
21 *number of work stations to be provided under the*
22 *Navy-Marine Corps Intranet program may be pro-*
23 *vided in the first quarter of such fiscal year; and*

24 *(2) no additional work stations may be provided*
25 *until—*

1 (A) the Secretary has conducted operational
2 testing of the Intranet; and

3 (B) the Chief Information Officer of the De-
4 partment of Defense has certified to the Sec-
5 retary that the results of the operational testing
6 of the Intranet are acceptable.

7 (f) *IMPACT ON FEDERAL EMPLOYEES.*—The Secretary
8 shall mitigate any adverse impact of the implementation
9 of the Navy-Marine Corps Intranet on civilian employees
10 of the Department of the Navy who, as of the date of the
11 enactment of this Act, are performing functions that are
12 included in the scope of the Navy-Marine Corps Intranet
13 program by—

14 (1) developing a comprehensive plan for the
15 transition of such employees to the performance of
16 other functions within the Department of the Navy;

17 (2) taking full advantage of transition authori-
18 ties available for the benefit of employees;

19 (3) encouraging the retraining of employees who
20 express a desire to qualify for reassignment to the
21 performance of other functions within the Department
22 of the Navy; and

23 (4) including a provision in the Navy-Marine
24 Corps Intranet contract that requires the contractor
25 to provide a preference for hiring employees of the De-

1 *partment of the Navy who, as of the date of the enact-*
 2 *ment of this Act, are performing functions that are*
 3 *included in the scope of the contract.*

4 **SEC. 811. QUALIFICATIONS REQUIRED FOR EMPLOYMENT**
 5 **AND ASSIGNMENT IN CONTRACTING POSI-**
 6 **TIONS.**

7 *(a) APPLICABILITY OF REQUIREMENTS TO MEMBERS*
 8 *OF THE ARMED FORCES.*—*Section 1724 of title 10, United*
 9 *States Code, is amended—*

10 *(1) in subsection (a), by striking “a person*
 11 *must” in the matter preceding paragraph (1) and in-*
 12 *serting “an employee or member of the armed forces*
 13 *must”; and*

14 *(2) in subsection (d)—*

15 *(A) by striking “employee of” and inserting*
 16 *“person in”; and*

17 *(B) by striking “employee possesses” and*
 18 *inserting “person possesses”.*

19 *(b) MANDATORY ACADEMIC QUALIFICATIONS.*—*(1)*
 20 *Subsection (a)(3) of such section is amended—*

21 *(A) by inserting “and” before “(B)”;* *and*

22 *(B) by striking “, or (C)” and all that follows*
 23 *through “listed in subparagraph (B)”.*

24 *(2) Subsection (b) of such section is amended to read*
 25 *as follows:*

1 “(b) *GS-1102 SERIES POSITIONS AND SIMILAR MILI-*
2 *TARY POSITIONS.*—*The Secretary of Defense shall require*
3 *that a person meet the requirements set forth in paragraph*
4 *(3) of subsection (a), but not the other requirements set forth*
5 *in that subsection, in order to qualify to serve in a position*
6 *in the Department of Defense in—*

7 “(1) *the GS-1102 occupational series; or*

8 “(2) *a similar occupational specialty when the*
9 *position is to be filled by a member of the armed*
10 *forces.*”.

11 “(c) *EXCEPTION.*—*Subsection (c) of such section is*
12 *amended to read as follows:*

13 “(c) *EXCEPTION.*—*The requirements imposed under*
14 *subsection (a) or (b) shall not apply to a person for the*
15 *purpose of qualifying to serve in a position in which the*
16 *person is serving on September 30, 2000.*”.

17 “(d) *DELETION OF UNNECESSARY CROSS REF-*
18 *ERENCES.*—*Subsection (a) of such section is amended by*
19 *striking “(except as provided in subsections (c) and (d))”*
20 *in the matter preceding paragraph (1).*

21 “(e) *EFFECTIVE DATE.*—*This section, and the amend-*
22 *ments made by this section, shall take effect on October 1,*
23 *2000, and shall apply to appointments and assignments*
24 *made on or after that date.*

1 **SEC. 812. DEFENSE ACQUISITION AND SUPPORT WORK-**
2 **FORCE.**

3 (a) *REQUIREMENT FOR REPORT.*—Not later than
4 March 15, 2001, the Secretary of Defense shall submit to
5 Congress a report on the sufficiency of the acquisition and
6 support workforce of the Department of Defense. The report
7 shall include a plan to ensure that the defense acquisition
8 and support workforce is of sufficient size and has the ex-
9 pertise necessary to ensure the cost-effective management of
10 the defense acquisition system to obtain needed products
11 and services at the best value.

12 (b) *CONTENT OF REPORT.*—(1) The Secretary's report
13 on the defense acquisition and support workforce under sub-
14 section (a) shall include, at a minimum, the following:

15 (A) A comprehensive reassessment of any pro-
16 grammed reductions in the workforce and the impact
17 that such reductions are likely to have on the ability
18 of the workforce to meet the anticipated workload and
19 responsibilities of the acquisition workforce.

20 (B) An assessment of the changing demographics
21 of the workforce, including the impact of anticipated
22 retirements among the most experienced acquisition
23 personnel over the next five years, and management
24 steps that may be needed to address these changes.

25 (C) A plan to address problems arising from pre-
26 vious reductions in the workforce, including—

1 (i) increased backlogs in closing out com-
2 pleted contracts;

3 (ii) increased program costs resulting from
4 contracting for technical support rather than
5 using Federal employees to provide the technical
6 support;

7 (iii) insufficient staff to negotiate fair and
8 reasonable pricing, to review and respond to con-
9 tractor actions, to perform oversight and inspec-
10 tions, and otherwise to manage contract require-
11 ments;

12 (iv) failures to comply with competition re-
13 quirements, to perform independent cost esti-
14 mates, to complete technical reviews, to meet con-
15 tractor surveillance requirements, and to perform
16 necessary cost control functions; and

17 (v) lost opportunities to negotiate strategic
18 supplier alliances, to improve parts control and
19 management, to conduct modeling and simula-
20 tion projects, and to develop other cost savings
21 initiatives.

22 (D) The actions that are being taken or could be
23 taken within the Department of Defense to enhance
24 the tenure and reduce the turnover of program execu-

1 *tive officers, program managers, and contracting offi-*
2 *cers.*

3 *(E) An evaluation of the acquisition workforce*
4 *demonstration project conducted under section 4308 of*
5 *the National Defense Authorization Act for Fiscal*
6 *Year 1996 (Public Law 104–106; 10 U.S.C. 1701*
7 *note) together with any recommendations for improv-*
8 *ing personnel management laws, policies, or proce-*
9 *dures with respect to the defense acquisition and sup-*
10 *port workforce.*

11 *(2) The plan contained in the report shall include spe-*
12 *cific milestones for workforce size, composition, and quali-*
13 *fications (including plans for needed recruiting, retention,*
14 *and training) to address any problems identified in the re-*
15 *port and to ensure the achievement of the objectives of the*
16 *plan that are set forth in subsection (a).*

17 *(c) EXTENSION OF DEMONSTRATION PROJECT.—Sec-*
18 *tion 4308(b)(3)(B) of the National Defense Authorization*
19 *Act for Fiscal Year 1996 (10 U.S.C. 1701 note) is amended*
20 *by striking “3-year period beginning on the date of the en-*
21 *actment of the National Defense Authorization Act for Fis-*
22 *cal Year 1998” and inserting “period beginning on Novem-*
23 *ber 18, 1997, and ending on November 17, 2003”.*

24 *(d) MORATORIUM ON REDUCTION OF DEFENSE ACQUI-*
25 *SITION WORKFORCE.—(1) Notwithstanding any other pro-*

1 *vision of law, the defense acquisition and support workforce*
2 *may not be reduced, during fiscal years 2001, 2002, and*
3 *2003, below the level of that workforce as of September 30,*
4 *2000, determined on the basis of full-time equivalent posi-*
5 *tions.*

6 (2) *The Secretary of Defense may waive the prohibi-*
7 *tion in paragraph (1) and reduce the level of the defense*
8 *acquisition and support workforce upon submitting to Con-*
9 *gress the Secretary's certification that the defense acqui-*
10 *sition and support workforce, at the level to which reduced,*
11 *will be able efficiently and effectively to perform the work-*
12 *loads that are required of that workforce consistent with the*
13 *cost-effective management of the defense acquisition system*
14 *to obtain best value equipment and with ensuring military*
15 *readiness.*

16 (e) *DEFENSE ACQUISITION AND SUPPORT WORKFORCE*
17 *DEFINED.—In this section, the term “defense acquisition*
18 *and support workforce” means Armed Forces and civilian*
19 *personnel who are assigned to, or are employed in, an orga-*
20 *nization of the Department of Defense that is—*

21 (1) *an acquisition organization specified in De-*
22 *partment of Defense Instruction 5000.58, dated Janu-*
23 *ary 14, 1992; or*

1 (2) *an organization not so specified that has ac-*
2 *quisition as its predominant mission, as determined*
3 *by the Secretary of Defense.*

4 **SEC. 813. FINANCIAL ANALYSIS OF USE OF DUAL RATES**
5 **FOR QUANTIFYING OVERHEAD COSTS AT**
6 **ARMY INDUSTRIAL FACILITIES.**

7 (a) *REQUIREMENT FOR ANALYSIS.*—*The Secretary of*
8 *the Army shall carry out a financial analysis of the costs*
9 *that would be incurred and the benefits that would be de-*
10 *rived from the implementation of a policy to use—*

11 (1) *one set of rates for quantifying the overhead*
12 *costs associated with government-owned industrial fa-*
13 *cilities of the Department of the Army when allo-*
14 *cating those costs to contractors operating the facili-*
15 *ties; and*

16 (2) *another set of rates for quantifying the over-*
17 *head costs to be allocated to the operation of such fa-*
18 *cilities by employees of the United States.*

19 (b) *REPORT.*—*Not later than February 15, 2001, the*
20 *Secretary shall submit to the congressional defense commit-*
21 *tees a report on the results of the analysis carried out under*
22 *subsection (a). The report shall include the following:*

23 (1) *The costs and benefits identified in the anal-*
24 *ysis under subsection (a).*

1 (2) *The risks to the United States of imple-*
 2 *menting a dual rates policy described in subsection*
 3 *(a).*

4 (3) *The effects that a use of dual rates under*
 5 *such a policy would have on the defense industrial*
 6 *base of the United States.*

7 **SEC. 814. REVISION OF THE ORGANIZATION AND AUTHOR-**
 8 **ITY OF THE COST ACCOUNTING STANDARDS**
 9 **BOARD.**

10 (a) *ESTABLISHMENT WITHIN OMB.*—Paragraph (1)
 11 *of subsection (a) of section 26 of the Office of Federal Pro-*
 12 *curement Policy Act (41 U.S.C. 422) is amended by striking*
 13 *“Office of Federal Procurement Policy” in the first sentence*
 14 *and inserting “Office of Management and Budget”.*

15 (b) *COMPOSITION OF BOARD.*—Subsection (a) of such
 16 *section is further amended—*

17 (1) *by striking the second sentence of paragraph*
 18 *(1);*

19 (2) *by redesignating paragraph (2) as para-*
 20 *graph (3); and*

21 (3) *by inserting after paragraph (1) the fol-*
 22 *lowing new paragraph (2):*

23 *“(2) The Board shall consist of five members appointed*
 24 *as follows:*

1 “(A) A Chairman, appointed by the Director of
2 the Office of Management and Budget, from among
3 persons who are knowledgeable in cost accounting
4 matters for Federal Government contracts.

5 “(B) One member, appointed by the Secretary of
6 Defense, from among Department of Defense per-
7 sonnel.

8 “(C) One member, appointed by the Adminis-
9 trator, from among employees of executive agencies
10 other than the Department of Defense, with the con-
11 currence of the head of the executive agency concerned.

12 “(D) One member, appointed by the Chairman
13 from among persons (other than officers and employ-
14 ees of the United States) who are in the accounting
15 or accounting education profession.

16 “(E) One member, appointed by the Chairman
17 from among persons in industry.”.

18 (c) *TERM OF OFFICE*.—Paragraph (3) of such sub-
19 section, as redesignated by subsection (b)(2), is amended—

20 (1) in subparagraph (A)—

21 (A) by striking “, other than the Adminis-
22 trator for Federal Procurement Policy,”;

23 (B) by striking clause (i);

24 (C) by redesignating clauses (ii) and (iii)
25 as clauses (i) and (ii), respectively; and

1 (D) in clause (ii), as so redesignated, by
2 striking “individual who is appointed under
3 paragraph (1)(A)” and inserting “officer or em-
4 ployee of the Federal Government who is ap-
5 pointed as a member under paragraph (2)”; and
6 (2) by striking subparagraph (C).

7 (d) *OTHER BOARD PERSONNEL.*—(1) Subsection (b)
8 of such section is amended to read as follows:

9 “(b) *SENIOR STAFF.*—The Chairman, after consulta-
10 tion with the Board, may appoint an executive secretary
11 and two additional staff members without regard to the pro-
12 visions of title 5, United States Code, governing appoint-
13 ments in the competitive service and in senior-level posi-
14 tions. The Chairman may pay such employees without re-
15 gard to the provisions of chapter 51 (relating to classifica-
16 tion of positions), and subchapter III of chapter 53 of such
17 title and section 5376 of such title (relating to the rates
18 of basic pay under the General Schedule and for senior-
19 level positions, respectively), except that no individual so
20 appointed may receive pay in excess of the maximum rate
21 of basic pay payable for a senior-level position under such
22 section 5376.”.

23 (2) Subsections (c) and (d)(2), and the third sentence
24 of subsection (e), of such section are amended by striking
25 “Administrator” and inserting “Chairman”.

1 (e) *COST ACCOUNTING STANDARDS AUTHORITY*.—(1)
 2 Paragraph (1) of subsection (f) of such section is amended
 3 by inserting “, subject to direction of the Director of the
 4 Office of Management and Budget,” after “exclusive author-
 5 ity”.

6 (2) Paragraph (2)(B)(iv) of such subsection is amend-
 7 ed by striking “more than \$7,500,000” and inserting
 8 “\$7,500,000 or more”.

9 (3) Paragraph (3) of such subsection is amended, in
 10 the first sentence—

11 (A) by striking “Administrator, after consulta-
 12 tion with the Board” and inserting “Chairman, with
 13 the concurrence of a majority of the members of the
 14 Board”; and

15 (B) by inserting before the period at the end the
 16 following: “, including rules and procedures for the
 17 public conduct of meetings of the Board”.

18 (4) Paragraph (5)(C) of such subsection is amended
 19 to read as follows:

20 “(C) The head of an executive agency may not delegate
 21 the authority under subparagraph (A) or (B) to any official
 22 in the executive agency below a level in the executive agency
 23 as follows:

24 “(i) The senior policymaking level, except as pro-
 25 vided in clause (ii).

1 “(ii) *The head of a procuring activity, in the*
 2 *case of a firm, fixed price contract or subcontract for*
 3 *which the requirement to obtain cost or pricing data*
 4 *under subsection (a) of section 2306a of title 10,*
 5 *United States Code, or subsection (a) of section 304A*
 6 *of the Federal Property and Administrative Services*
 7 *Act of 1949 (41 U.S.C. 254b) is waived under sub-*
 8 *section (b)(1)(C) of such section, respectively.”.*

9 (5) *Paragraph (5)(E) of such subsection is amended*
 10 *by inserting before the period at the end the following: “in*
 11 *accordance with requirements prescribed by the Board”.*

12 (f) *REQUIREMENTS FOR STANDARDS.—(1) Subsection*
 13 *(g)(1)(B) of section 26 of the Office of Federal Procurement*
 14 *Policy Act is amended by inserting before the semicolon at*
 15 *the end the following: “, together with a solicitation of com-*
 16 *ments on those issues”.*

17 (g) *INTEREST RATE APPLICABLE TO CONTRACT PRICE*
 18 *ADJUSTMENTS.—Subsection (h)(4) of such section is*
 19 *amended by inserting “(a)(2)” after “6621” both places that*
 20 *it appears.*

21 (h) *REPEAL OF REQUIREMENT FOR ANNUAL RE-*
 22 *PORT.—Such section is further amended by striking sub-*
 23 *section (i).*

24 (i) *EFFECTS OF BOARD INTERPRETATIONS AND REGU-*
 25 *LATIONS.—Subsection (j) of such section is amended—*

1 (1) in paragraph (1), by striking “promulgated
2 by the Cost Accounting Standards Board under sec-
3 tion 719 of the Defense Production Act of 1950 (50
4 U.S.C. App. 2168)” and inserting “that are in effect
5 on the date of the enactment of the National Defense
6 Authorization Act for Fiscal Year 2001”; and

7 (2) in paragraph (3), by striking “under the au-
8 thority set forth in section 6 of this Act” and insert-
9 ing “exercising the authority provided in section 6 of
10 this Act in consultation with the Chairman”.

11 (j) *RATE OF PAY FOR CHAIRMAN.*—Section 5315 of
12 title 5, United States Code, is amended by adding at the
13 end the following:

14 “Chairman, Cost Accounting Standards Board.”.

15 (k) *TRANSITION PROVISION FOR MEMBERS.*—Each
16 member of the Cost Accounting Standards Board who serves
17 on the Board under paragraph (1) of section 26(a) of the
18 Office of Federal Procurement Policy Act, as in effect on
19 the day before the date of the enactment of this Act, shall
20 continue to serve as a member of the Board until the earlier
21 of—

22 (1) the expiration of the term for which the
23 member was so appointed; or

1 (2) *the date on which a successor to such member*
 2 *is appointed under paragraph (2) of such section*
 3 *26(a), as amended by subsection (b) of this section.*

4 **SEC. 815. REVISION OF AUTHORITY FOR SOLUTIONS-BASED**
 5 **CONTRACTING PILOT PROGRAM.**

6 (a) *PILOT PROJECTS UNDER THE PROGRAM.*—Section
 7 *5312 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1492)*
 8 *is amended—*

9 (1) *in subsection (a), by striking “subsection*
 10 *(d)(2)” and inserting “subsection (d)”;* and

11 (2) *by striking subsection (d) and inserting the*
 12 *following:*

13 “(d) *PILOT PROGRAM PROJECTS.*—*The Administrator*
 14 *shall authorize to be carried out under the pilot program—*

15 “(1) *not more than 10 projects, each of which*
 16 *has an estimated cost of at least \$25,000,000 and not*
 17 *more than \$100,000,000; and*

18 “(2) *not more than 10 projects for small business*
 19 *concerns, each of which has an estimated cost of at*
 20 *least \$1,000,000 and not more than \$5,000,000.”.*

21 (b) *ELIMINATION OF REQUIREMENT FOR FEDERAL*
 22 *FUNDING OF PROGRAM DEFINITION PHASE.*—Subsection
 23 *(c)(9)(B) of such section is amended by striking “program*
 24 *definition phase (funded, in the case of the source ultimately*

1 *awarded the contract, by the Federal Government)—” and*
 2 *inserting “program definition phase—”.*

3 **SEC. 816. APPROPRIATE USE OF PERSONNEL EXPERIENCE**
 4 **AND EDUCATIONAL REQUIREMENTS IN THE**
 5 **PROCUREMENT OF INFORMATION TECH-**
 6 **NOLOGY SERVICES.**

7 *(a) AMENDMENT OF THE FEDERAL ACQUISITION REG-*
 8 *ULATION.—Not later than 180 days after the date of the*
 9 *enactment of this Act, the Federal Acquisition Regulation*
 10 *issued in accordance with sections 6 and 25 of the Office*
 11 *of Federal Procurement Policy Act (41 U.S.C. 405 and 421)*
 12 *shall be amended to address the use of personnel experience*
 13 *and educational requirements in the procurement of infor-*
 14 *mation technology services.*

15 *(b) CONTENT OF AMENDMENT.—The amendment*
 16 *issued pursuant to subsection (a) shall—*

17 *(1) provide that a solicitation of bids on a per-*
 18 *formance-based contract for the procurement of infor-*
 19 *mation technology services may not set forth any*
 20 *minimum experience or educational requirement for*
 21 *contractor personnel that a bidder must satisfy in*
 22 *order to be eligible for award of the contract; and*

23 *(2) specify—*

24 *(A) the circumstances under which a solici-*
 25 *tation of bids for other contracts for the procure-*

1 *ment of information technology services may set*
2 *forth any such minimum requirement for that*
3 *purpose; and*

4 *(B) the circumstances under which a solici-*
5 *tation of bids for other contracts for the procure-*
6 *ment of information technology services may not*
7 *set forth any such minimum requirement for*
8 *that purpose.*

9 *(c) CONSTRUCTION OF REGULATION.—The amendment*
10 *issued pursuant to subsection (a) shall include a rule of*
11 *construction that a prohibition included in the amendment*
12 *under paragraph (1) or (2)(B) does not prohibit the consid-*
13 *eration of the experience and educational levels of the per-*
14 *sonnel of bidders in the selection of a bidder to be awarded*
15 *a contract.*

16 *(d) GAO REPORT.—Not later than 1 year after the*
17 *date on which the regulations required by subsection (a)*
18 *are published in the Federal Register, the Comptroller Gen-*
19 *eral shall submit to Congress an evaluation of—*

20 *(1) executive agency compliance with the regula-*
21 *tions; and*

22 *(2) conformity of the regulations with existing*
23 *law, together with any recommendations that the*
24 *Comptroller General considers appropriate.*

25 *(e) DEFINITIONS.—In this section:*

1 (1) *The term “executive agency” has the mean-*
 2 *ing given that term in section 4 of the Office of Fed-*
 3 *eral Procurement Policy Act (41 U.S.C. 403).*

4 (2) *The term “performance-based contract”*
 5 *means a contract that includes performance work*
 6 *statements setting forth contract requirements in*
 7 *clear, specific, and objective terms with measurable*
 8 *outcomes.*

9 (3) *The term “information technology” has the*
 10 *meaning given that term in section 5002 of the*
 11 *Clinger-Cohen Act of 1996 (40 U.S.C. 1401).*

12 **SEC. 817. STUDY OF OFFICE OF MANAGEMENT AND BUDGET**

13 **CIRCULAR A-76 PROCESS.**

14 (a) *GAO-CONVENED PANEL.—The Comptroller Gen-*
 15 *eral shall convene a panel of experts to study rules, and*
 16 *the administration of the rules, governing the selection of*
 17 *sources for the performance of commercial or industrial*
 18 *functions for the Federal Government from between public*
 19 *and private sector sources, including public-private com-*
 20 *petitions pursuant to the Office of Management and Budget*
 21 *Circular A-76. The Comptroller General shall be the chair-*
 22 *man of the panel.*

23 (b) *COMPOSITION OF PANEL.—(1) The Comptroller*
 24 *General shall appoint highly qualified and knowledgeable*

1 *persons to serve on the panel and shall ensure that the fol-*
 2 *lowing groups receive fair representation on the panel:*

3 *(A) Officers and employees of the United States.*

4 *(B) Persons in private industry.*

5 *(C) Federal labor organizations.*

6 *(2) For the purposes of the requirement for fair rep-*
 7 *resentation under paragraph (1), persons serving on the*
 8 *panel under subparagraph (C) of that paragraph shall not*
 9 *be counted as persons serving on the panel under subpara-*
 10 *graph (A) or (B) of that paragraph.*

11 *(c) PARTICIPATION BY OTHER INTERESTED PAR-*
 12 *TIES.—The Comptroller General shall ensure that the op-*
 13 *portunity to submit information and views on the Office*
 14 *of Management and Budget Circular A-76 process to the*
 15 *panel for the purposes of the study is accorded to all inter-*
 16 *ested parties, including officers and employees of the United*
 17 *States not serving on the panel and entities in private in-*
 18 *dustry and representatives of federal labor organizations*
 19 *not represented on the panel.*

20 *(d) INFORMATION FROM AGENCIES.—The panel may*
 21 *secure directly from any department or agency of the*
 22 *United States any information that the panel considers nec-*
 23 *essary to carry out a meaningful study of administration*
 24 *of the rules described in subsection (a), including the Office*
 25 *of Management and Budget Circular A-76 process. Upon*

1 *the request of the Chairman of the panel, the head of such*
 2 *department or agency shall furnish the requested informa-*
 3 *tion to the panel.*

4 (e) *REPORT.*—*The Comptroller General shall submit*
 5 *a report on the results of the study to Congress.*

6 (f) *DEFINITION.*—*In this section, the term “federal*
 7 *labor organization” has the meaning given the term “labor*
 8 *organization” in section 7103(a)(4) of title 5, United States*
 9 *Code.*

10 ***SEC. 818. PROCUREMENT NOTICE THROUGH ELECTRONIC***
 11 ***ACCESS TO CONTRACTING OPPORTUNITIES.***

12 (a) *PUBLICATION BY ELECTRONIC ACCESSIBILITY.*—
 13 *Subsection (a) of section 18 of the Office of Federal Procure-*
 14 *ment Policy Act (41 U.S.C. 416) is amended—*

15 (1) *in paragraph (1)(A), by striking “furnish for*
 16 *publication by the Secretary of Commerce” and in-*
 17 *serting “publish”;*

18 (2) *by striking paragraph (2) and inserting the*
 19 *following:*

20 “(2)(A) *A notice of solicitation required to be published*
 21 *under paragraph (1) may be published by means of—*

22 “(i) *electronic accessibility that meets the re-*
 23 *quirements of paragraph (7); or*

24 “(ii) *publication in the Commerce Business*
 25 *Daily.*

1 “(B) *The Secretary of Commerce shall promptly pub-*
 2 *lish in the Commerce Business Daily each notice or an-*
 3 *nouncement received under this subsection for publication*
 4 *by that means.”; and*

5 *(3) by adding at the end the following:*

6 “(7) *A publication of a notice of solicitation by means*
 7 *of electronic accessibility meets the requirements of this*
 8 *paragraph for electronic accessibility if the notice is elec-*
 9 *tronically accessible in a form that allows convenient and*
 10 *universal user access through the single Government-wide*
 11 *point of entry designated in the Federal Acquisition Regu-*
 12 *lation.”.*

13 **(b) WAITING PERIOD FOR ISSUANCE OF SOLICITA-**
 14 **TION.—***Paragraph (3) of such subsection is amended—*

15 *(1) in the matter preceding subparagraph (A),*
 16 *by striking “furnish a notice to the Secretary of Com-*
 17 *merce” and inserting “publish a notice of solicita-*
 18 *tion”; and*

19 *(2) in subparagraph (A), by striking “by the*
 20 *Secretary of Commerce”.*

21 **(c) CONFORMING AMENDMENTS FOR SMALL BUSINESS**
 22 **ACT.—***Subsection (e) of section 8 of the Small Business Act*
 23 *(15 U.S.C. 637) is amended—*

1 (1) in paragraph (1)(A), by striking “furnish for
2 publication by the Secretary of Commerce” and in-
3 serting “publish”;

4 (2) by striking paragraph (2) and inserting the
5 following:

6 “(2)(A) A notice of solicitation required to be published
7 under paragraph (1) may be published by means of—

8 “(i) electronic accessibility that meets the re-
9 quirements of section 18(a)(7) of the Office of Federal
10 Procurement Policy Act (41 U.S.C. 416(a)(7)); or

11 “(ii) publication in the Commerce Business
12 Daily.

13 “(B) The Secretary of Commerce shall promptly pub-
14 lish in the Commerce Business Daily each notice or an-
15 nouncement received under this subsection for publication
16 by that means.”; and

17 (3) in paragraph (3)—

18 (A) in the matter preceding subparagraph
19 (A), by striking “furnish a notice to the Sec-
20 retary of Commerce” and inserting “publish a
21 notice of solicitation”; and

22 (B) in subparagraph (A), by striking “by
23 the Secretary of Commerce”.

24 (d) PERIODIC REPORTS ON IMPLEMENTATION OF
25 ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT.—

1 *Section 30(e) of the Office of Federal Procurement Policy*
 2 *Act (41 U.S.C. 426(e)) is amended—*

3 *(1) in the first sentence, by striking “Not later*
 4 *than March 1, 1998, and every year afterward*
 5 *through 2003” and inserting “Not later than March*
 6 *1 of each even-numbered year through 2004”; and*

7 *(2) in paragraph (4)—*

8 *(A) by striking “Beginning with the report*
 9 *submitted on March 1, 1999,”; and*

10 *(B) by striking “calendar year” and insert-*
 11 *ing “two fiscal years”.*

12 *(e) EFFECTIVE DATE AND APPLICABILITY.—This sec-*
 13 *tion and the amendments made by this section shall take*
 14 *effect on October 1, 2000. The amendments made by sub-*
 15 *sections (a), (b) and (c) shall apply with respect to solicita-*
 16 *tions issued on or after that date.*

17 ***TITLE IX—DEPARTMENT OF DE-***
 18 ***FENSE ORGANIZATION AND***
 19 ***MANAGEMENT***

20 ***SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT***
 21 ***OF DEFENSE HEADQUARTERS ACTIVITIES***
 22 ***PERSONNEL.***

23 *(a) REPEAL OF LIMITATION.—(1) Section 130a of title*
 24 *10, United States Code, is repealed.*

1 (2) *The table of sections at the beginning of chapter*
 2 *3 of such title is amended by striking the item relating to*
 3 *section 130a.*

4 (b) *REPEAL OF ASSOCIATED REPORTING REQUIRE-*
 5 *MENT.—Section 921(b) of the National Defense Authoriza-*
 6 *tion Act for Fiscal Year 2000 (Public Law 106–65; 113*
 7 *Stat. 723) is repealed.*

8 **SEC. 902. OVERALL SUPERVISION OF DEPARTMENT OF DE-**
 9 **FENSE ACTIVITIES FOR COMBATING TER-**
 10 **RORISM.**

11 *Section 138(b)(4) of title 10, United States Code, is*
 12 *amended to read as follows:*

13 “(4)(A) *One of the Assistant Secretaries shall be the*
 14 *Assistant Secretary of Defense for Special Operations and*
 15 *Low Intensity Conflict.*

16 “(B) *The Assistant Secretary shall have the following*
 17 *duties:*

18 “(i) *As the principal duty, to provide overall su-*
 19 *per vision (including oversight of policy and resources)*
 20 *of special operations activities (as defined in section*
 21 *167(j) of this title) and low intensity conflict activi-*
 22 *ties of the Department of Defense.*

23 “(ii) *To provide overall direction and super-*
 24 *vision for policy, program planning and execution,*
 25 *and allocation and use of resources for the activities*

1 of the Department of Defense for combating terrorism,
2 including antiterrorism activities, counterterrorism
3 activities, terrorism consequences management activi-
4 ties, and terrorism-related intelligence support activi-
5 ties.

6 “(C) The Assistant Secretary is the principal civilian
7 adviser to the Secretary of Defense on, and is the principal
8 official within the senior management of the Department
9 of Defense (after the Secretary and Deputy Secretary) re-
10 sponsible for, the following matters:

11 “(i) Special operations and low intensity con-
12 flict.

13 “(ii) Combating terrorism.”.

14 **SEC. 903. NATIONAL DEFENSE PANEL 2001.**

15 (a) *ESTABLISHMENT*.—Not later than March 1, 2001,
16 the Secretary of Defense shall establish a nonpartisan, inde-
17 pendent panel to be known as the National Defense Panel
18 2001. The Panel shall have the duties set forth in this sec-
19 tion.

20 (b) *MEMBERSHIP AND CHAIRMAN*.—(1) The Panel
21 shall be composed of nine members appointed from among
22 persons in the private sector who are recognized experts in
23 matters relating to the national security of the United
24 States, as follows:

1 (A) *Three members appointed by the Secretary of*
2 *Defense.*

3 (B) *Three members appointed by the Chairman*
4 *of the Committee on Armed Services of the Senate, in*
5 *consultation with the ranking member of the com-*
6 *mittee.*

7 (C) *Three members appointed by the Chairman*
8 *of the Committee on Armed Services of the House of*
9 *Representatives, in consultation with the ranking*
10 *member of the committee.*

11 (2) *The Secretary of Defense, in consultation with the*
12 *chairmen and ranking members of the Committees on*
13 *Armed Services of the Senate and the House of Representa-*
14 *tives, shall designate one of the members to serve as the*
15 *chairman of the Panel.*

16 (c) *DUTIES.—(1) The Panel shall—*

17 (A) *assess the matters referred to in paragraph*
18 (2);

19 (B) *assess the current and projected strategic en-*
20 *vironment, together with the progress made by the*
21 *Armed Forces in transforming to meet that environ-*
22 *ment;*

23 (C) *identify the most dangerous threats to the*
24 *national security interests of the United States that*
25 *are to be countered by the United States in the ensu-*

1 *ing 10 years and those that are to be encountered in*
2 *the ensuing 20 years;*

3 *(D) identify the strategic and operational chal-*
4 *lenges for the Armed Forces to address in order to*
5 *prepare to counter the threats identified under sub-*
6 *paragraph (C);*

7 *(E) develop—*

8 *(i) a recommendation on the priority that*
9 *should be accorded to each of the strategic and*
10 *operational challenges identified under subpara-*
11 *graph (D); and*

12 *(ii) a recommendation on the priority that*
13 *should be accorded to the development of each*
14 *joint capability needed to meet each such chal-*
15 *lenge; and*

16 *(F) identify the issues that the Panel rec-*
17 *ommends for assessment during the next quadrennial*
18 *review to be conducted under section 118 of title 10,*
19 *United States Code.*

20 *(2) The matters to be assessed under paragraph (1)(A)*
21 *are the defense strategy, force structure, force modernization*
22 *plans, infrastructure, budget plan, and other elements of the*
23 *defense program and policies established since the quadren-*
24 *nial defense review conducted in 1996.*

1 (3) *The Panel shall conduct the assessments under*
2 *paragraph (1) with a view toward recommending—*

3 (A) *the most critical changes that should be*
4 *made to the defense strategy of the United States for*
5 *the ensuing 10 years and the most critical changes*
6 *that should be made to the defense strategy of the*
7 *United States for the ensuing 20 years; and*

8 (B) *any changes considered appropriate by the*
9 *Panel regarding the major weapon systems pro-*
10 *grammed for the force, including any alternatives to*
11 *those weapon systems.*

12 (d) *REPORT.—(1) The Panel shall submit to the Sec-*
13 *retary of Defense and to the Committees on Armed Services*
14 *of the Senate and the House of Representatives two reports*
15 *on the assessment, including a discussion of the Panel's ac-*
16 *tivities, the findings and recommendations of the Panel,*
17 *and any recommendations for legislation that the Panel*
18 *considers appropriate, as follows:*

19 (A) *An interim report not later than July 1,*
20 *2001.*

21 (B) *A final report not later than December 1,*
22 *2001.*

23 (2) *Not later than December 15, 2001, the Secretary*
24 *shall transmit to the committees referred to in paragraph*
25 *(1) the Secretary's comments on the final report submitted*

1 *to the committees under subparagraph (B) of that para-*
2 *graph.*

3 (e) *INFORMATION FROM FEDERAL AGENCIES.—The*
4 *Panel may secure directly from the Department of Defense*
5 *and any of its components and from any other department*
6 *and agency of the United States such information as the*
7 *Panel considers necessary to carry out its duties under this*
8 *section. The head of the department or agency concerned*
9 *shall ensure that information requested by the Panel under*
10 *this subsection is promptly provided.*

11 (f) *PERSONNEL MATTERS.—(1) Each member of the*
12 *Panel shall be compensated at a rate equal to the daily*
13 *equivalent of the annual rate of basic pay prescribed for*
14 *level IV of the Executive Schedule under section 5315 of title*
15 *5, United States Code, for each day (including travel time)*
16 *during which the member is engaged in the performance*
17 *of the duties of the Panel.*

18 (2) *The members of the Panel shall be allowed travel*
19 *expenses, including per diem in lieu of subsistence, at rates*
20 *authorized for employees of agencies under subchapter I of*
21 *chapter 57 of title 5, United States Code, while away from*
22 *their homes or regular places of business in the performance*
23 *of services for the Panel.*

24 (3)(A) *The chairman of the Panel may, without regard*
25 *to the civil service laws and regulations, appoint and termi-*

1 *nate an executive director and a staff if the Panel deter-*
2 *mines that an executive director and staff are necessary in*
3 *order for the Panel to perform its duties effectively. The em-*
4 *ployment of an executive director shall be subject to con-*
5 *firmation by the Panel.*

6 *(B) The chairman may fix the compensation of the ex-*
7 *ecutive director without regard to the provisions of chapter*
8 *51 and subchapter III of chapter 53 of title 5, United States*
9 *Code, relating to classification of positions and General*
10 *Schedule pay rates, except that the rate of pay for the execu-*
11 *tive director may not exceed the rate payable for level V*
12 *of the Executive Schedule under section 5316 of such title.*

13 *(4) Any employee of the United States may be detailed*
14 *to the Panel without reimbursement of the employee's agen-*
15 *cy, and such detail shall be without interruption or loss*
16 *of civil service status or privilege. The Secretary shall en-*
17 *sure that sufficient personnel are detailed to the Panel to*
18 *enable the Panel to carry out its duties effectively.*

19 *(5) To the maximum extent practicable, the members*
20 *and employees of the Panel shall travel on military aircraft,*
21 *military ships, military vehicles, or other military convey-*
22 *ances when travel is necessary in the performance of a duty*
23 *of the Panel, except that no such aircraft, ship, vehicle, or*
24 *other conveyance may be scheduled primarily for the trans-*

1 portation of any such member or employee when the cost
2 of commercial transportation is less expensive.

3 (g) *ADMINISTRATIVE PROVISIONS.*—(1) *The Panel*
4 *may use the United States mails and obtain printing and*
5 *binding services in the same manner and under the same*
6 *conditions as other departments and agencies of the Federal*
7 *Government.*

8 (2) *The Secretary shall furnish the Panel any adminis-*
9 *trative and support services requested by the Panel.*

10 (3) *The Panel may accept, use, and dispose of gifts*
11 *or donations of services or property.*

12 (h) *PAYMENT OF PANEL EXPENSES.*—*The compensa-*
13 *tion, travel expenses, and per diem allowances of members*
14 *and employees of the Panel shall be paid out of funds avail-*
15 *able to the Department of Defense for the payment of com-*
16 *pensation, travel allowances, and per diem allowances, re-*
17 *spectively, of civilian employees of the Department. The*
18 *other expenses of the Panel shall be paid out of funds avail-*
19 *able to the Department for the payment of similar expenses*
20 *incurred by the Department.*

21 (i) *TERMINATION.*—*The Panel shall terminate at the*
22 *end of the year following the year in which the Panel sub-*
23 *mits its final report under subsection (d)(1)(B). For the pe-*
24 *riod that begins 90 days after the date of submittal of the*
25 *report, the activities and staff of the panel shall be reduced*

1 *to a level that the Secretary of Defense considers sufficient*
 2 *to continue the availability of the panel for consultation*
 3 *with the Secretary of Defense and with the Committees on*
 4 *Armed Services of the Senate and the House of Representa-*
 5 *tives.*

6 **SEC. 904. QUADRENNIAL NATIONAL DEFENSE PANEL.**

7 (a) *NATIONAL DEFENSE PANEL.*—(1) *Chapter 7 of*
 8 *title 10, United States Code, is amended by adding at the*
 9 *end the following:*

10 **“§ 184. National Defense Panel**

11 “(a) *ESTABLISHMENT.*—*Not later than January 1 of*
 12 *each year immediately preceding a year in which a Presi-*
 13 *dent is to be inaugurated, the Secretary of Defense shall*
 14 *establish a nonpartisan, independent panel to be known as*
 15 *the National Defense Panel. The Panel shall have the duties*
 16 *set forth in this section.*

17 “(b) *MEMBERSHIP AND CHAIRMAN.*—(1) *The Panel*
 18 *shall be composed of nine members appointed from among*
 19 *persons in the private sector who are recognized experts in*
 20 *matters relating to the national security of the United*
 21 *States, as follows:*

22 “(A) *Three members appointed by the Secretary*
 23 *of Defense.*

24 “(B) *Three members appointed by the Chairman*
 25 *of the Committee on Armed Services of the Senate, in*

1 *consultation with the ranking member of the com-*
2 *mittee.*

3 “(C) *Three members appointed by the Chairman*
4 *of the Committee on Armed Services of the House of*
5 *Representatives, in consultation with the ranking*
6 *member of the committee.*

7 “(2) *The Secretary of Defense, in consultation with the*
8 *chairmen and ranking members of the Committees on*
9 *Armed Services of the Senate and the House of Representa-*
10 *tives, shall designate one of the members to serve as the*
11 *chairman of the Panel*

12 “(c) *DUTIES.—(1) The Panel shall—*

13 “(A) *assess the matters referred to in paragraph*
14 *(2);*

15 “(B) *assess the current and projected strategic*
16 *environment, together with the progress made by the*
17 *armed forces in transforming to meet the environ-*
18 *ment;*

19 “(C) *identify the most dangerous threats to the*
20 *national security interests of the United States that*
21 *are to be countered by the United States in the ensu-*
22 *ing 10 years and those that are to be encountered in*
23 *the ensuing 20 years;*

24 “(D) *identify the strategic and operational chal-*
25 *lenges for the armed forces to address in order to pre-*

1 *pare to counter the threats identified under subpara-*
2 *graph (C);*

3 *“(E) develop—*

4 *“(i) a recommendation on the priority that*
5 *should be accorded to each of the strategic and*
6 *operational challenges identified under subpara-*
7 *graph (D); and*

8 *“(ii) a recommendation on the priority that*
9 *should be accorded to the development of each*
10 *joint capability needed to meet each such chal-*
11 *lenge; and*

12 *“(F) identify the issues that the Panel rec-*
13 *ommends for assessment during the next quadrennial*
14 *review to be conducted under section 118 of this title.*

15 *“(2) The matters to be assessed under paragraph*
16 *(1)(A) are the defense strategy, force structure, force mod-*
17 *ernization plans, infrastructure, budget plan, and other ele-*
18 *ments of the defense program and policies established since*
19 *the previous quadrennial defense review under section 118*
20 *of this title.*

21 *“(3) The Panel shall conduct the assessments under*
22 *paragraph (1) with a view toward recommending—*

23 *“(A) the most critical changes that should be*
24 *made to the defense strategy of the United States for*
25 *the ensuing 10 years and the most critical changes*

1 *that should be made to the defense strategy of the*
2 *United States for the ensuing 20 years; and*

3 “(B) *any changes considered appropriate by the*
4 *Panel regarding the major weapon systems pro-*
5 *grammed for the force, including any alternatives to*
6 *those weapon systems.*

7 “(d) *REPORT.—(1) The Panel, in the year that it is*
8 *conducting an assessment under subsection (c), shall submit*
9 *to the Secretary of Defense and to the Committees on Armed*
10 *Services of the Senate and the House of Representatives two*
11 *reports on the assessment, including a discussion of the*
12 *Panel’s activities, the findings and recommendations of the*
13 *Panel, and any recommendations for legislation that the*
14 *Panel considers appropriate, as follows:*

15 “(A) *An interim report not later than July 1 of*
16 *the year.*

17 “(B) *A final report not later than December 1*
18 *of the year.*

19 “(2) *Not later than December 15 of the year in which*
20 *the Secretary receives a final report under paragraph*
21 *(1)(B), the Secretary shall submit to the committees referred*
22 *to in paragraph (1) the Secretary’s comments on that re-*
23 *port.*

24 “(e) *INFORMATION FROM FEDERAL AGENCIES.—The*
25 *Panel may secure directly from the Department of Defense*

1 *and any of its components and from any other department*
2 *or agency of the United States any information that the*
3 *Panel considers necessary to carry out its duties under this*
4 *section. The head of that department or agency shall ensure*
5 *that information requested by the Panel under this sub-*
6 *section is promptly provided.*

7 “(f) *PERSONNEL MATTERS.—(1) Each member of the*
8 *Panel shall be compensated at a rate equal to the daily*
9 *equivalent of the annual rate of basic pay prescribed for*
10 *level IV of the Executive Schedule under section 5315 of title*
11 *5 for each day (including travel time) during which the*
12 *member is engaged in the performance of the duties of the*
13 *Panel.*

14 “(2) *The members of the Panel shall be allowed travel*
15 *expenses, including per diem in lieu of subsistence, at rates*
16 *authorized for employees of agencies under subchapter I of*
17 *chapter 57 of title 5 while away from their homes or regular*
18 *places of business in the performance of services for the*
19 *Panel.*

20 “(3)(A) *The chairman of the Panel may, without re-*
21 *gard to the civil service laws and regulations, appoint and*
22 *terminate an executive director and a staff if the Panel de-*
23 *termines that an executive director and staff are necessary*
24 *in order for the Panel to perform its duties effectively. The*

1 *employment of an executive director shall be subject to con-*
2 *firmation by the Panel.*

3 “(B) *The chairman may fix the compensation of the*
4 *executive director without regard to the provisions of chap-*
5 *ter 51 and subchapter III of chapter 53 of title 5 relating*
6 *to classification of positions and General Schedule pay*
7 *rates, except that the rate of pay for the executive director*
8 *may not exceed the rate payable for level V of the Executive*
9 *Schedule under section 5316 of such title.*

10 “(4) *Any Federal Government employee may be de-*
11 *tailed to the Panel without reimbursement of the employee’s*
12 *agency, and such detail shall be without interruption or loss*
13 *of civil service status or privilege. The Secretary shall en-*
14 *sure that sufficient personnel are detailed to the Panel to*
15 *enable the Panel to carry out its duties effectively.*

16 “(5) *To the maximum extent practicable, the members*
17 *and employees of the Panel shall travel on military aircraft,*
18 *military ships, military vehicles, or other military convey-*
19 *ances when travel is necessary in the performance of a duty*
20 *of the Panel, except that no such aircraft, ship, vehicle, or*
21 *other conveyance may be scheduled primarily for the trans-*
22 *portation of any such member or employee when the cost*
23 *of commercial transportation is less expensive.*

24 “(g) *ADMINISTRATIVE PROVISIONS.—(1) The Panel*
25 *may use the United States mails and obtain printing and*

1 *binding services in the same manner and under the same*
2 *conditions as other departments and agencies of the Federal*
3 *Government.*

4 “(2) *The Secretary shall furnish the Panel any admin-*
5 *istrative and support services requested by the Panel.*

6 “(3) *The Panel may accept, use, and dispose of gifts*
7 *or donations of services or property.*

8 “(h) *PAYMENT OF PANEL EXPENSES.—The compensa-*
9 *tion, travel expenses, and per diem allowances of members*
10 *and employees of the Panel shall be paid out of funds avail-*
11 *able to the Department of Defense for the payment of com-*
12 *pensation, travel allowances, and per diem allowances, re-*
13 *spectively, of civilian employees of the Department. The*
14 *other expenses of the Panel shall be paid out of funds avail-*
15 *able to the Department for the payment of similar expenses*
16 *incurred by the Department.*

17 “(i) *TERMINATION.—The Panel shall terminate at the*
18 *end of the year following the year in which the Panel sub-*
19 *mits its final report under subsection (d)(1)(B). For the pe-*
20 *riod that begins 90 days after the date of submittal of the*
21 *report, the activities and staff of the panel shall be reduced*
22 *to a level that the Secretary of Defense considers sufficient*
23 *to continue the availability of the Panel for consultation*
24 *with the Secretary of Defense and with the Committees on*

1 *Armed Services of the Senate and the House of Representa-*
 2 *tives.”.*

3 (2) *The table of sections at the beginning of such chap-*
 4 *ter is amended by adding at the end the following:*

“184. National Defense Panel.”.

5 (b) *FIRST PANEL TO BE ESTABLISHED IN 2004.—The*
 6 *first National Defense Panel under section 184 of title 10,*
 7 *United States Code (as added by subsection (a)), shall be*
 8 *established in 2004.*

9 **SEC. 905. INSPECTOR GENERAL INVESTIGATIONS OF PRO-**
 10 **HIBITED PERSONNEL ACTIONS.**

11 (a) *STANDARDS AND PROCEDURES FOR PRELIMINARY*
 12 *DETERMINATIONS.—Subsection (c)(3)(A) of section 1034 of*
 13 *title 10, United States Code, is amended by inserting “,*
 14 *in accordance with regulations prescribed under subsection*
 15 *(h),” after “shall expeditiously determine”.*

16 (b) *DEFINITION OF INSPECTOR GENERAL.—Subsection*
 17 *(i)(2) of such section is amended by adding at the end the*
 18 *following:*

19 *“(H) An officer of the armed forces or em-*
 20 *ployee of the Department of Defense, not referred*
 21 *to in any other subparagraph of this paragraph,*
 22 *who is assigned or detailed to serve as an Inspec-*
 23 *tor General at any level in the Department of*
 24 *Defense.”.*

1 **SEC. 906. NETWORK CENTRIC WARFARE.**

2 (a) *GOAL.*—It shall be a goal of the Department of De-
3 fense to fully coordinate the network centric warfare efforts
4 being pursued by the Joint Chiefs of Staff, the Defense
5 Agencies, and the military departments so that (1) the con-
6 cepts, procedures, training, and technology development re-
7 sulting from those efforts lead to an integrated information
8 network, and (2) a coherent concept for enabling informa-
9 tion dominance in joint military operations can be formu-
10 lated.

11 (b) *REPORT ON IMPLEMENTATION OF NETWORK CEN-*
12 *TRIC WARFARE PRINCIPLES.*—(1) The Secretary of Defense,
13 in consultation with the Chairman of the Joint Chiefs of
14 Staff, shall submit to the congressional defense committees
15 a report on the development and implementation of network
16 centric warfare concepts in the Department of Defense.

17 (2) The report shall contain the following:

18 (A) A clear definition and terminology to de-
19 scribe the set of operational concepts referred to as
20 network centric warfare.

21 (B) An identification and description of current,
22 planned, and needed activities by the Office of the
23 Secretary of Defense, the Joint Chiefs of Staff, and the
24 United States Joint Forces Command to coordinate
25 the development of doctrine and the definition of re-
26 quirements and to ensure that those activities are con-

1 *sistent with the concepts of network centric warfare*
2 *and information superiority that are articulated in*
3 *Joint Vision 2010 issued by the Joint Chiefs of Staff.*

4 *(C) Recommended metrics, and a process for ap-*
5 *plying and reporting such metrics, to assist the Sec-*
6 *retary of Defense and the Chairman of the Joint*
7 *Chiefs of Staff in the evaluation of the progress being*
8 *made toward—*

9 *(i) the implementation of the concepts of*
10 *network centric warfare and information superi-*
11 *ority that are articulated in Joint Vision 2010;*
12 *and*

13 *(ii) the attainment of a fully integrated,*
14 *joint command, control, communications, com-*
15 *puters, intelligence, surveillance, and reconnais-*
16 *sance capability.*

17 *(D) A recommended joint concept development*
18 *and experimentation campaign for enabling the co-*
19 *evolution of doctrine, organization, training, materiel,*
20 *leadership, people, and facilities that are pertinent to*
21 *achieving advances in command and control con-*
22 *sistent with the concepts of network centric warfare*
23 *and information superiority articulated in those vi-*
24 *sion statements.*

1 *(E) A description of the programs and initia-*
2 *tives underway, together with a discussion of the*
3 *progress made (as determined using metrics rec-*
4 *ommended under subparagraph (C)) toward—*

5 *(i) establishing a foundation for networking*
6 *the sensors, combat personnel and weapon sys-*
7 *tems, and decisionmaking nodes to ensure that*
8 *there is seamless communication within each of*
9 *the Armed Forces and across the Armed Forces;*

10 *(ii) achieving, within and between the*
11 *Armed Forces, full situational awareness of the*
12 *dispositions of friendly forces so that joint task*
13 *forces can operate effectively on fast-changing*
14 *battlefields with substantially reduced risk of*
15 *fratricide and less restrictive control measures;*
16 *and*

17 *(iii) ensuring a seamless delivery of fire on*
18 *targets by the Armed Forces and allied forces,*
19 *with particular attention being given in that*
20 *discussion to how networking of surface and aer-*
21 *ial fire delivery and aerial transport assets can*
22 *be exploited to manage theater airspace so as to*
23 *minimize the coordination steps necessary for ob-*
24 *taining fire clearance or aerial transit clearance.*

1 (F) *An identification of the additional powers*
2 *that must be provided the officials making joint pol-*
3 *icy for the Armed Forces in order to ensure that those*
4 *officials have sufficient authority quickly to develop*
5 *and implement means for supporting network centric*
6 *warfare, including such means as interoperable*
7 *intranets of the Armed Forces and joint and allied*
8 *interoperability standards for the joint operating en-*
9 *vironment.*

10 (G) *The areas of joint authority that require*
11 *greater emphasis or resource allocation.*

12 (H) *The specific organizational entities that can*
13 *provide coordination for the development of network*
14 *centric warfare systems and doctrine.*

15 (I) *The joint requirements under development*
16 *that will lead to the acquisition of technologies for en-*
17 *abling the implementation and support of network*
18 *centric warfare, together with—*

19 (i) *a description of how the joint require-*
20 *ments are modifying existing requirements and*
21 *vision statements of each of the Armed Forces to*
22 *better reflect the joint nature of network centric*
23 *warfare;*

24 (ii) *a description of how the vision state-*
25 *ments are being expanded to reflect the role of*

1 *network centric warfare concepts in future coal-*
2 *ition operations and operations other than war;*
3 *and*

4 *(iii) an evaluation of whether there is a*
5 *need to modify the milestone decision processes*
6 *for all acquisition programs that directly affect*
7 *joint task force interoperability and interoper-*
8 *ability between the Armed Forces.*

9 *(J) A discussion of how the efforts within the De-*
10 *partment of Defense to implement information supe-*
11 *riority concepts described in Joint Vision 2010 are*
12 *informed by private sector investments, and successes*
13 *and failures, in implementing networking technologies*
14 *that enhance distribution, inventory control, mainte-*
15 *nance management, personnel management, knowl-*
16 *edge management, technology development, and other*
17 *relevant business areas.*

18 *(K) A discussion of how Department of Defense*
19 *activities to establish a joint network centric*
20 *capability—*

21 *(i) are coordinated with the Intelligence*
22 *Community, the Department of Commerce, the*
23 *Department of Justice, the Federal Emergency*
24 *Management Agency, and other departments and*
25 *agencies of the United States; and*

1 (ii) are carried out in accordance with
2 *Presidential Decision Directive 63 and the Na-*
3 *tional Plan for Information Systems Protection.*

4 (c) *STUDY ON USE OF JOINT EXPERIMENTATION FOR*
5 *DEVELOPING NETWORK CENTRIC WARFARE CONCEPTS.—*

6 (1) *The Secretary of Defense shall conduct a study on the*
7 *present and future use of the joint experimentation program*
8 *of the Department of Defense in the development of network*
9 *centric warfare concepts.*

10 (2) *The Secretary shall submit to the congressional de-*
11 *fense committees a report on the results of the study. The*
12 *report shall include the following:*

13 (A) *A survey and description of how experimen-*
14 *tation under the joint experimentation program and*
15 *experimentation under the experimentation program*
16 *of each of the Armed Forces are being used for evalu-*
17 *ating emerging concepts in network centric warfare.*

18 (B) *Recommended means and mechanisms for*
19 *using the results of the joint experimentation for de-*
20 *veloping new joint requirements, new joint doctrine,*
21 *and new acquisition programs of the military depart-*
22 *ments and Defense Agencies with a view to achieving*
23 *the objective of supporting network centric operations.*

24 (C) *Recommendations on future joint experimen-*
25 *tation to validate and accelerate the use of network*

1 *centric warfare concepts in operations involving coa-*
2 *lition forces.*

3 *(D) Recommendations on how joint experimen-*
4 *tation can be used to identify impediments to—*

5 *(i) the development of a joint information*
6 *network; and*

7 *(ii) the seamless coordination of the*
8 *intranet systems of each of the Armed Forces in*
9 *operational environments.*

10 *(E) Recommendations on how joint experimen-*
11 *tation can be used to develop concepts in revolu-*
12 *tionary force redesign to leverage new operational*
13 *concepts in network centric warfare.*

14 *(F) The levels of appropriations necessary for*
15 *joint experimentation on network-related concepts.*

16 *(3) The Secretary of Defense, acting through the Chair-*
17 *man of the Joint Chiefs of Staff, shall designate the Com-*
18 *mander in Chief of the United States Joint Forces Com-*
19 *mand to carry out the study and to prepare the report re-*
20 *quired under this subsection.*

21 *(d) REPORT ON SCIENCE AND TECHNOLOGY PRO-*
22 *GRAMS TO SUPPORT NETWORK CENTRIC WARFARE CON-*
23 *CEPTS.—(1) The Under Secretary of Defense for Acquisi-*
24 *tion, Technology, and Logistics shall submit to the congres-*
25 *sional defense committees a report describing the coordina-*

1 *tion of the science and technology investments of the mili-*
2 *tary departments and Defense Agencies in the development*
3 *of future joint network centric warfare capabilities. The*
4 *Under Secretary shall consult with the Chairman of the*
5 *Joint Chiefs of Staff in the preparation of the report.*

6 *(2) The report shall include the following:*

7 *(A) A discussion of the science and technology*
8 *investments in the following areas:*

9 *(i) Sensors, including ground-based, air-*
10 *based, sea-based, and space-based inhabited and*
11 *uninhabited systems.*

12 *(ii) Seamless communications and net-*
13 *working protocols and technologies.*

14 *(iii) Modeling and simulation of tech-*
15 *nologies and operational concepts.*

16 *(iv) Secure and reliable information net-*
17 *works and databases.*

18 *(v) Computing and software technology.*

19 *(vi) Robust human-machine interfaces.*

20 *(vii) Novel training concepts for supporting*
21 *network centric operations.*

22 *(B) For the areas listed in subparagraph (A)—*

23 *(i) a rationalization of the rapid pace of*
24 *technological change and the influence of global*
25 *developments in commercial technology; and*

1 (ii) an explanation of how that rationaliza-
 2 tion is informing and modifying science and
 3 technology investments made by the Department
 4 of Defense.

5 (e) *TIME FOR SUBMISSION OF REPORTS.*—Each report
 6 required under this section shall be submitted not later than
 7 March 1, 2001.

8 **SEC. 907. ADDITIONAL DUTIES FOR THE COMMISSION TO**
 9 **ASSESS UNITED STATES NATIONAL SECURITY**
 10 **SPACE MANAGEMENT AND ORGANIZATION.**

11 Section 1622(a) of the National Defense Authorization
 12 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.
 13 814; 10 U.S.C. 111 note) is amended by adding at the end
 14 the following:

15 “(6) The advisability of—

16 “(A) various actions to eliminate the re-
 17 quirement for specified officers in the United
 18 States Space Command to be flight rated that re-
 19 sults from the dual assignment of such officers to
 20 that command and to one or more other com-
 21 mands for which the officers are expressly re-
 22 quired to be flight rated;

23 “(B) the establishment of a requirement
 24 that all new general or flag officers of the United
 25 States Space Command have experience in space,

1 missile, or information operations that is either
 2 acquisition experience or operational experience;
 3 and

4 “(C) rotating the command of the United
 5 States Space Command among the Armed
 6 Forces.”.

7 **SEC. 908. SPECIAL AUTHORITY FOR ADMINISTRATION OF**
 8 **NAVY FISHER HOUSES.**

9 (a) *BASE OPERATING SUPPORT*.—Section 2493 of title
 10 10, United States Code, is amended—

11 (1) by redesignating subsection (f) as subsection
 12 (g); and

13 (2) by inserting after subsection (e) the following
 14 new subsection (f):

15 “(f) *SPECIAL AUTHORITY FOR NAVY*.—The Secretary
 16 of the Navy shall provide base operating support for Fisher
 17 Houses associated with health care facilities of the Navy.
 18 The level of the support shall be equivalent to the base oper-
 19 ating support that the Secretary provides for morale, wel-
 20 fare, and recreation category B community activities (as
 21 defined in regulations, prescribed by the Secretary, that
 22 govern morale, welfare, and recreation activities associated
 23 with Navy installations).”.

24 (b) *SAVINGS PROVISIONS FOR CERTAIN NAVY EMPLOY-*
 25 *EES*.—(1) The Secretary of the Navy may continue to em-

1 *ploy, and pay out of appropriated funds, any employee of*
2 *the Navy in the competitive service who, as of October 17,*
3 *1998, was employed by the Navy in a position at a Fisher*
4 *House administered by the Navy, but only for so long as*
5 *the employee is continuously employed in that position.*

6 (2) *After a person vacates a position in which the per-*
7 *son was continued to be employed under the authority of*
8 *paragraph (1), a person employed in that position shall*
9 *be employed as an employee of a nonappropriated fund in-*
10 *strumentality of the United States and may not be paid*
11 *for services in that position out of appropriated funds.*

12 (3) *In this subsection:*

13 (A) *The term “Fisher House” has the meaning*
14 *given the term in section 2493(a)(1) of title 10,*
15 *United States Code.*

16 (B) *The term “competitive service” has the*
17 *meaning given the term in section 2102 of title 5,*
18 *United States Code.*

19 (c) *EFFECTIVE DATE.—(1) The amendments made by*
20 *subsection (a) shall be effective as of October 17, 1998, as*
21 *if included in section 2493 of title 10, United States Code,*
22 *as enacted by section 906(a) of Public Law 105–261.*

23 (2) *Subsection (b) applies with respect to the pay pe-*
24 *riod that includes October 17, 1998, and subsequent pay*
25 *periods.*

1 **SEC. 909. ORGANIZATION AND MANAGEMENT OF THE CIVIL**
 2 **AIR PATROL.**

3 (a) *IN GENERAL.*—Chapter 909 of title 10, United
 4 States Code, is amended to read as follow:

5 **“CHAPTER 909—CIVIL AIR**
 6 **PATROL**

“Sec.

“9441. Status as federally chartered corporation; purposes.

“9442. Status as volunteer civilian auxiliary of the Air Force.

“9443. Activities not performed as auxiliary of the Air Force.

“9444. Activities performed as auxiliary of the Air Force.

“9445. Funds appropriated for the Civil Air Patrol.

“9446. Miscellaneous personnel authorities.

“9447. Board of Governors.

“9448. Regulations.

7 **“§9441. Status as federally chartered corporation;**
 8 **purposes**

9 “(a) *STATUS.*—(1) *The Civil Air Patrol is a nonprofit*
 10 *corporation that is federally chartered under section 40301*
 11 *of title 36.*

12 “(2) *Except as provided in section 9442(b)(2) of this*
 13 *title, the Civil Air Patrol is not an instrumentality of the*
 14 *Federal Government for any purpose.*

15 “(b) *PURPOSES.*—*The purposes of the Civil Air Patrol*
 16 *are set forth in section 40302 of title 36.*

17 **“§9442. Status as volunteer civilian auxiliary of the**
 18 **Air Force**

19 “(a) *VOLUNTEER CIVILIAN AUXILIARY.*—*The Civil Air*
 20 *Patrol is a volunteer civilian auxiliary of the Air Force*
 21 *when the services of the Civil Air Patrol are used by any*

1 department or agency in any branch of the Federal Govern-
2 ment.

3 “(b) *USE BY AIR FORCE.*—(1) *The Secretary of the*
4 *Air Force may use the services of the Civil Air Patrol to*
5 *fulfill the noncombat programs and missions of the Depart-*
6 *ment of the Air Force.*

7 “(2) *The Civil Air Patrol shall be deemed to be an*
8 *instrumentality of the United States with respect to any*
9 *act or omission of the Civil Air Patrol, including any mem-*
10 *ber of the Civil Air Patrol, in carrying out a mission as-*
11 *signed by the Secretary of the Air Force.*

12 **“§9443. Activities not performed as auxiliary of the**
13 ***Air Force***

14 “(a) *SUPPORT FOR STATE AND LOCAL AUTHORI-*
15 *TIES.*—*The Civil Air Patrol may, in its status as a feder-*
16 *ally chartered nonprofit corporation and not as an auxil-*
17 *iary of the Air Force, provide assistance requested by State*
18 *or local governmental authorities to perform disaster relief*
19 *missions and activities, other emergency missions and ac-*
20 *tivities, and nonemergency missions and activities. Mis-*
21 *sions and activities carried out under this section shall be*
22 *consistent with the purposes of the Civil Air Patrol.*

23 “(b) *USE OF FEDERALLY PROVIDED RESOURCES.*—(1)
24 *To perform any mission or activity authorized under sub-*
25 *section (a), the Civil Air Patrol may use any equipment,*

1 *supplies, and other resources provided to it by the Air Force*
2 *or by any other department or agency of the Federal Gov-*
3 *ernment or acquired by or for the Civil Air Patrol with*
4 *appropriated funds, without regard to whether the Civil Air*
5 *Patrol has reimbursed the Federal Government source for*
6 *the equipment, supplies, other resources, or funds, as the*
7 *case may be.*

8 “(2) *The use of equipment, supplies, or other resources*
9 *under paragraph (1) is subject to—*

10 “(A) *the terms and conditions of the applicable*
11 *agreement entered into under chapter 63 of title 31;*
12 *and*

13 “(B) *the laws and regulations that govern the*
14 *use by nonprofit corporations of federally provided*
15 *assets or of assets purchased with appropriated funds,*
16 *as the case may be.*

17 “(c) *AUTHORITY NOT CONTINGENT ON REIMBURSE-*
18 *MENT.—The authority for the Civil Air Patrol to provide*
19 *assistance under this section is not contingent on the Civil*
20 *Air Patrol being reimbursed for the cost of providing the*
21 *assistance. If the Civil Air Patrol requires reimbursement*
22 *for the provision of any such assistance, the Civil Air Patrol*
23 *may establish the reimbursement rate for the assistance at*
24 *a rate less than the rate charged by private sector sources*
25 *for equivalent services.*

1 “(d) *LIABILITY INSURANCE.*—*The Secretary of the Air*
2 *Force may provide the Civil Air Patrol with funds for pay-*
3 *ing the cost of liability insurance for missions and activities*
4 *carried out under this section.*

5 **“§9444. Activities performed as auxiliary of the Air**
6 **Force**

7 “(a) *AIR FORCE SUPPORT FOR ACTIVITIES.*—*The Sec-*
8 *retary of the Air Force may furnish to the Civil Air Patrol*
9 *in accordance with this section any equipment, supplies,*
10 *and other resources that the Secretary determines necessary*
11 *to enable the Civil Air Patrol to fulfill the missions assigned*
12 *by the Secretary to the Civil Air Patrol as an auxiliary*
13 *of the Air Force.*

14 “(b) *FORMS OF AIR FORCE SUPPORT.*—*The Secretary*
15 *of the Air Force may, under subsection (a)—*

16 “(1) *give, lend, or sell to the Civil Air Patrol*
17 *without regard to the Federal Property and Adminis-*
18 *trative Services Act of 1949 (40 U.S.C. 471 et seq.)—*

19 “(A) *major items of equipment (including*
20 *aircraft, motor vehicles, computers, and commu-*
21 *nications equipment) that are excess to the mili-*
22 *tary departments; and*

23 “(B) *necessary related supplies and train-*
24 *ing aids that are excess to the military depart-*
25 *ments;*

1 “(2) permit the use, with or without charge, of
2 *services and facilities of the Air Force;*

3 “(3) furnish supplies (including fuel, lubricants,
4 *and other items required for vehicle and aircraft oper-*
5 *ations) or provide funds for the acquisition of sup-*
6 *plies;*

7 “(4) establish, maintain, and supply liaison offi-
8 *cers of the Air Force at the national, regional, State,*
9 *and territorial headquarters of the Civil Air Patrol;*

10 “(5) detail or assign any member of the Air
11 *Force or any officer, employee, or contractor of the*
12 *Department of the Air Force to any liaison office at*
13 *the national, regional, State, or territorial head-*
14 *quarters of the Civil Air Patrol;*

15 “(6) detail any member of the Air Force or any
16 *officer, employee, or contractor of the Department of*
17 *the Air Force to any unit or installation of the Civil*
18 *Air Patrol to assist in the training programs of the*
19 *Civil Air Patrol;*

20 “(7) authorize the payment of travel expenses
21 *and allowances, at rates not to exceed those paid to*
22 *employees of the Federal Government under sub-*
23 *chapter I of chapter 57 of title 5, to members of the*
24 *Civil Air Patrol while the members are carrying out*

1 *programs or missions specifically assigned by the Air*
2 *Force;*

3 *“(8) provide funds for the national headquarters*
4 *of the Civil Air Patrol, including—*

5 *“(A) funds for the payment of staff com-*
6 *pensation and benefits, administrative expenses,*
7 *travel, per diem and allowances, rent, utilities,*
8 *other operational expenses of the national head-*
9 *quarters; and*

10 *“(B) to the extent considered necessary by*
11 *the Secretary of the Air Force to fulfill Air Force*
12 *requirements, funds for the payment of com-*
13 *pensation and benefits for key staff at regional,*
14 *State, or territorial headquarters;*

15 *“(9) authorize the payment of expenses of plac-*
16 *ing into serviceable condition, improving, and main-*
17 *taining equipment (including aircraft, motor vehicles,*
18 *computers, and communications equipment) owned or*
19 *leased by the Civil Air Patrol;*

20 *“(10) provide funds for the lease or purchase of*
21 *items of equipment that the Secretary determines nec-*
22 *essary for the Civil Air Patrol;*

23 *“(11) support the Civil Air Patrol cadet pro-*
24 *gram by furnishing—*

1 “(A) articles of the Air Force uniform to ca-
2 dets without cost; and

3 “(B) any other support that the Secretary
4 of the Air Force determines is consistent with
5 Air Force missions and objectives; and

6 “(12) provide support, including appropriated
7 funds, for the Civil Air Patrol aerospace education
8 program to the extent that the Secretary of the Air
9 Force determines appropriate for furthering the ful-
10 fillment of Air Force missions and objectives.

11 “(c) ASSISTANCE BY OTHER AGENCIES.—(1) The Sec-
12 retary of the Air Force may arrange for the use by the Civil
13 Air Patrol of such facilities and services under the jurisdic-
14 tion of the Secretary of the Army, the Secretary of the Navy,
15 or the head of any other department or agency of the United
16 States as the Secretary of the Air Force considers to be need-
17 ed by the Civil Air Patrol to carry out its mission.

18 “(2) An arrangement for use of facilities or services
19 of a military department or other department or agency
20 under this subsection shall be subject to the agreement of
21 the Secretary of the military department or head of the
22 other department or agency, as the case may be.

23 “(3) Each arrangement under this subsection shall be
24 made in accordance with regulations prescribed under sec-
25 tion 9448 of this title.

1 **“§ 9445. Funds appropriated for the Civil Air Patrol**

2 *“Funds appropriated for the Civil Air Patrol shall be*
3 *available only for the exclusive use of the Civil Air Patrol.*

4 **“§ 9446. Miscellaneous personnel authorities**

5 *“(a) USE OF RETIRED AIR FORCE PERSONNEL.—(1)*
6 *Upon the request of a person retired from service in the*
7 *Air Force, the Secretary of the Air Force may enter into*
8 *a personal services contract with that person providing for*
9 *the person to serve as an administrator or liaison officer*
10 *for the Civil Air Patrol. The qualifications of a person to*
11 *provide the services shall be determined and approved in*
12 *accordance with regulations prescribed under section 9448*
13 *of this title.*

14 *“(2) To the extent provided in a contract under para-*
15 *graph (1), a person providing services under the contract*
16 *may accept services on behalf of the Air Force.*

17 *“(3) A person, while providing services under a con-*
18 *tract authorized under paragraph (1), may not be consid-*
19 *ered to be on active duty or inactive-duty training for any*
20 *purpose.*

21 *“(b) USE OF CIVIL AIR PATROL CHAPLAINS.—The*
22 *Secretary of the Air Force may use the services of Civil Air*
23 *Patrol chaplains in support of the Air Force active duty*
24 *and reserve component forces to the extent and under condi-*
25 *tions that the Secretary determines appropriate.*

1 **“§ 9447. Board of Governors**

2 “(a) *GOVERNING BODY.*—*The Board of Governors of*
3 *the Civil Air Patrol is the governing body of the Civil Air*
4 *Patrol.*

5 “(b) *COMPOSITION.*—*The Board of Governors is com-*
6 *posed of 13 members as follows:*

7 “(1) *Four members appointed by the Secretary*
8 *of the Air Force, who may be active or retired officers*
9 *of the Air Force (including reserve components of the*
10 *Air Force), employees of the Federal Government, or*
11 *private citizens.*

12 “(2) *Four members of the Civil Air Patrol, elect-*
13 *ed from among the members of the Civil Air Patrol*
14 *in the manner provided in regulations prescribed*
15 *under section 9448 of this title.*

16 “(3) *Three members appointed or selected as pro-*
17 *vided in subsection (c) from among personnel of any*
18 *Federal Government agencies, public corporations,*
19 *nonprofit associations, and other organizations that*
20 *have an interest and expertise in civil aviation and*
21 *the Civil Air Patrol mission.*

22 “(4) *One member appointed by the Majority*
23 *Leader of the Senate.*

24 “(5) *One member appointed by the Speaker of*
25 *the House of Representatives.*

1 “(c) *APPOINTMENTS FROM INTERESTED ORGANIZA-*
2 *TIONS.—(1) Subject to paragraph (2), the members of the*
3 *Board of Governors referred to in subsection (b)(3) shall*
4 *be appointed jointly by the Secretary of the Air Force and*
5 *the National Commander of the Civil Air Patrol.*

6 “(2) *Any vacancy in the position of a member referred*
7 *to in paragraph (1) that is not filled under that paragraph*
8 *within 90 days shall be filled by majority vote of the other*
9 *members of the Board.*

10 “(d) *CHAIRPERSON.—(1) The Chairperson of the*
11 *Board of Governors shall be chosen by the members of the*
12 *Board of Governors from among the members of the Board*
13 *eligible for selection under paragraph (2) and shall serve*
14 *for a term of two years.*

15 “(2) *The position of Chairperson shall be held on a*
16 *rotating basis, first by a member of the Board selected from*
17 *among those appointed by the Secretary of the Air Force*
18 *under paragraph (1) of subsection (b) and then by a mem-*
19 *ber of the Board selected from among the members elected*
20 *by the Civil Air Patrol under paragraph (2) of that sub-*
21 *section. Upon the expiration of the term of a Chairperson*
22 *selected from among the members referred to in one of those*
23 *paragraphs, the selection of a successor to that position shall*
24 *be made from among the members who are referred to in*
25 *the other paragraph.*

1 “(e) *POWERS.*—(1) *The Board of Governors shall, sub-*
2 *ject to paragraphs (2) and (3), exercise the powers granted*
3 *under section 40304 of title 36.*

4 “(2) *Any exercise by the Board of the power to amend*
5 *the constitution or bylaws of the Civil Air Patrol or to*
6 *adopt a new constitution or bylaws shall be subject to the*
7 *approval of the corporate officers of the Civil Air Patrol,*
8 *as those officers are defined in the constitution and bylaws*
9 *of the Civil Air Patrol.*

10 “(3) *Neither the Board of Governors nor any other*
11 *component of the Civil Air Patrol may modify or terminate*
12 *any requirement or authority set forth in this section.*

13 “(f) *PERSONAL LIABILITY FOR BREACH OF A FIDU-*
14 *CIARY DUTY.*—(1) *The Board of Governors may, subject to*
15 *paragraph (2), take such action as is necessary to limit the*
16 *personal liability of a member of the Board of Governors*
17 *to the Civil Air Patrol or to any of its members for mone-*
18 *tary damages for a breach of fiduciary duty while serving*
19 *as a member of the Board.*

20 “(2) *The Board may not limit the liability of a mem-*
21 *ber of the Board of Governors to the Civil Air Patrol or*
22 *to any of its members for monetary damages for any of*
23 *the following:*

24 “(A) *A breach of the member’s duty of loyalty to*
25 *the Civil Air Patrol or its members.*

1 “(B) *Any act or omission that is not in good*
2 *faith or that involves intentional misconduct or a*
3 *knowing violation of law.*

4 “(C) *Participation in any transaction from*
5 *which the member directly or indirectly derives an*
6 *improper personal benefit.*

7 “(3) *Nothing in this subsection shall be construed as*
8 *rendering section 207 or 208 of title 18 inapplicable in any*
9 *respect to a member of the Board of Governors who is a*
10 *member of the Air Force on active duty, an officer on a*
11 *retired list of the Air Force, or an employee of the Federal*
12 *Government.*

13 “(g) *PERSONAL LIABILITY FOR BREACH OF A FIDU-*
14 *CIARY DUTY.—(1) Except as provided in paragraph (2),*
15 *no member of the Board of Governors or officer of the Civil*
16 *Air Patrol shall be personally liable for damages for any*
17 *injury or death or loss or damage of property resulting from*
18 *a tortious act or omission of an employee or member of the*
19 *Civil Air Patrol.*

20 “(2) *Paragraph (1) does not apply to a member of the*
21 *Board of Governors or officer of the Civil Air Patrol for*
22 *a tortious act or omission in which the member or officer,*
23 *as the case may be, was personally involved, whether in*
24 *breach of a civil duty or in commission of a criminal of-*
25 *fense.*

1 “(3) *Nothing in this subsection shall be construed to*
2 *restrict the applicability of common law protections and*
3 *rights that a member of the Board of Governors or officer*
4 *of the Civil Air Patrol may have.*

5 “(4) *The protections provided under this subsection are*
6 *in addition to the protections provided under subsection (f).*

7 **“§ 9448. Regulations**

8 “(a) *AUTHORITY.—The Secretary of the Air Force*
9 *shall prescribe regulations for the administration of this*
10 *chapter.*

11 “(b) *REQUIRED REGULATIONS.—The regulations shall*
12 *include the following:*

13 “(1) *Regulations governing the conduct of the ac-*
14 *tivities of the Civil Air Patrol when it is performing*
15 *its duties as a volunteer civilian auxiliary of the Air*
16 *Force under section 9442 of this title.*

17 “(2) *Regulations for providing support by the*
18 *Air Force and for arranging assistance by other agen-*
19 *cies under section 9444 of this title.*

20 “(3) *Regulations governing the qualifications of*
21 *retired Air Force personnel to serve as an adminis-*
22 *trator or liaison officer for the Civil Air Patrol under*
23 *a personal services contract entered into under section*
24 *9446(a) of this title.*

1 “(4) *Procedures and requirements for the election*
 2 *of members of the Board of Governors under section*
 3 *9447(b)(2) of this title.*

4 “(c) *APPROVAL BY SECRETARY OF DEFENSE.—The*
 5 *regulations required by subsection (b)(2) shall be subject to*
 6 *the approval of the Secretary of Defense.*”.

7 (b) *CONFORMING AMENDMENTS.—(1) Section 40302 of*
 8 *title 36, United States Code, is amended—*

9 (A) *by striking “to—” in the matter preceding*
 10 *paragraph (1) and inserting “as follows:”;*

11 (B) *by inserting “To” after the paragraph des-*
 12 *ignation in each of paragraphs (1), (2), (3), and (4);*

13 (C) *by striking the semicolon at the end of para-*
 14 *graphs (1)(B) and (2) and inserting a period;*

15 (D) *by striking “; and” at the end of paragraph*
 16 *(3) and inserting a period; and*

17 (E) *by adding at the end the following:*

18 “(5) *To assist the Department of the Air Force*
 19 *in fulfilling its noncombat programs and missions.*”.

20 (2)(A) *Section 40303 of such title is amended—*

21 (i) *by inserting “(a) MEMBERSHIP.—” before*
 22 *“Eligibility”; and*

23 (ii) *by adding at the end the following:*

24 “(b) *GOVERNING BODY.—The Civil Air Patrol has a*
 25 *Board of Governors. The composition and responsibilities*

1 *of the Board of Governors are set forth in section 9447 of*
 2 *title 10.”.*

3 *(B) The heading for such section is amended to read*
 4 *as follows:*

5 **“§ 40303. Membership and governing body”.**

6 *(C) The item relating to such section in the table of*
 7 *sections at the beginning of chapter 403 of title 36, United*
 8 *States Code, is amended to read as follows:*

“40303. Membership and governing body.”.

9 *(c) EFFECTIVE DATE.—This section and the amend-*
 10 *ments made by this section shall take effect on January 1,*
 11 *2001.*

12 **SEC. 910. RESPONSIBILITY FOR THE NATIONAL GUARD**
 13 **CHALLENGE PROGRAM.**

14 *(a) SECRETARY OF DEFENSE.—Subsection (a) of sec-*
 15 *tion 509 of title 32, United States Code, is amended by*
 16 *striking “, acting through the Chief of the National Guard*
 17 *Bureau,”.*

18 *(b) CLARIFICATION OF SOURCE OF FEDERAL SUP-*
 19 *PORT.—Subsection (b) of such section is amended by strik-*
 20 *ing “Federal expenditures” and inserting “Department of*
 21 *Defense expenditures”.*

22 *(c) REGULATIONS.—Such section is further*
 23 *amended—*

24 *(1) by redesignating subsection (l) and sub-*
 25 *section (m); and*

1 (2) *by inserting after subsection (k) the following*
2 *new subsection (l):*

3 “(l) *REGULATIONS.—The Secretary of Defense shall*
4 *prescribe regulations to carry out this section, including*
5 *regulations governing the following:*

6 “(1) *Terms and conditions to be included in pro-*
7 *gram agreements under subsection (c).*

8 “(2) *The eligibility requirements for participa-*
9 *tion under subsection (e).*

10 “(3) *The benefits authorized for program partici-*
11 *pants under subsection (f).*

12 “(4) *The status of National Guard personnel*
13 *providing services for the program under subsection*
14 *(g).*

15 “(5) *The use of equipment and facilities of the*
16 *National Guard for the program under subsection (h).*

17 “(6) *The status of program participants under*
18 *subsection (i).*

19 “(7) *The procedures for communicating between*
20 *the Secretary of Defense and States regarding the pro-*
21 *gram.”.*

1 **SEC. 911. SUPERVISORY CONTROL OF ARMED FORCES RE-**
 2 **TIREMENT HOME BOARD BY SECRETARY OF**
 3 **DEFENSE.**

4 (a) *BOARD AUTHORITY SUBJECT TO SECRETARY'S*
 5 *CONTROL.*—Section 1516(a) of the Armed Forces Retire-
 6 ment Home Act of 1991 (Public Law 101–510; 24 U.S.C.
 7 416(a)) is amended by inserting after the first sentence the
 8 following: “The Board is subject to the authority, direction,
 9 and control of the Secretary of Defense in the performance
 10 of its responsibilities.”.

11 (b) *APPOINTMENT AND TERMS OF BOARD MEM-*
 12 *BERS.*—Section 1515 of such Act (24 U.S.C. 415) is
 13 amended—

14 (1) in subsection (b), by adding at the end the
 15 following:

16 “An appointment not made by the Secretary of Defense is
 17 subject to the approval of the Secretary of Defense.”;

18 (2) in subsection (e)(3), by striking “Chairman
 19 of the Retirement Home Board” and inserting “Sec-
 20 retary of Defense”; and

21 (3) in subsection (f), by striking “(f) *EARLY EX-*
 22 *PIRATION OF TERM.*—” and inserting the following:

23 “(f) *EARLY TERMINATION.*—(1) The Secretary of De-
 24 fense may terminate the appointment of a member of the
 25 Board at the pleasure of the Secretary.

26 “(2)”.

1 (c) *RESPONSIBILITY OF CHAIRMAN TO THE SEC-*
 2 *RETARY.—Section 1515(d)(1)(B) of such Act (24 U.S.C.*
 3 *415(d)(1)(B)) is amended by striking “not be responsible*
 4 *to the Secretary of Defense or to the Secretaries of the mili-*
 5 *tary departments” and inserting “be responsible to the Sec-*
 6 *retary of Defense, but not to the Secretaries of the military*
 7 *departments,”.*

8 **SEC. 912. CONSOLIDATION OF CERTAIN NAVY GIFT FUNDS.**

9 (a) *MERGER OF NAVAL HISTORICAL CENTER FUND*
 10 *INTO DEPARTMENT OF THE NAVY GENERAL GIFT FUND.—*
 11 *(1) The Secretary of the Navy shall transfer all amounts*
 12 *in the Naval Historical Center Fund maintained under sec-*
 13 *tion 7222 of title 10, United States Code, to the Department*
 14 *of the Navy General Gift Fund maintained under section*
 15 *2601 of such title. Upon completing the transfer, the Sec-*
 16 *retary shall close the Naval Historical Center Fund.*

17 (2) *Amounts transferred to the Department of the*
 18 *Navy General Gift Fund under this subsection shall be*
 19 *merged with other amounts in that Fund and shall be avail-*
 20 *able for the purposes for which amounts in that Fund are*
 21 *available.*

22 (b) *CONSOLIDATION OF NAVAL ACADEMY GENERAL*
 23 *GIFT FUND AND NAVAL ACADEMY MUSEUM FUND.—(1)*
 24 *The Secretary of the Navy shall transfer all amounts in*
 25 *the United States Naval Academy Museum Fund estab-*

1 *lished by section 6974 of title 10, United States Code, to*
 2 *the gift fund maintained for the benefit and use of the*
 3 *United States Naval Academy under section 6973 of such*
 4 *title. Upon completing the transfer, the Secretary shall close*
 5 *the United States Naval Academy Museum Fund.*

6 (2) *Amounts transferred under this subsection shall be*
 7 *merged with other amounts in the gift fund to which trans-*
 8 *ferred and shall be available for the purposes for which*
 9 *amounts in that gift fund are available.*

10 (c) *CONSOLIDATION AND REVISION OF AUTHORITIES*
 11 *FOR ACCEPTANCE OF GIFTS, BEQUESTS, AND LOANS FOR*
 12 *THE UNITED STATES NAVAL ACADEMY.—(1) Subsection (a)*
 13 *of section 6973 of title 10, United States Code, is*
 14 *amended—*

15 (A) *in the first sentence—*

16 (i) *by inserting “, and loans of personal*
 17 *property other than money,” after “gifts and be-*
 18 *quests of personal property”; and*

19 (ii) *by inserting “or the Naval Academy*
 20 *Museum, its collection, or its services” before the*
 21 *period at the end;*

22 (B) *in the second sentence, by striking “‘United*
 23 *States Naval Academy general gift fund’” and insert-*
 24 *ing “‘United States Naval Academy Gift and Mu-*
 25 *seum Fund’”; and*

1 (C) in the third sentence, by inserting “(includ-
2 ing the Naval Academy Museum)” after “the Naval
3 Academy”.

4 (2) Such section 6973 is further amended—

5 (A) by redesignating subsections (b) and (c) as
6 subsections (c) and (d), respectively; and

7 (B) by inserting after subsection (a) the fol-
8 lowing new subsection (b):

9 “(b) The Secretary shall prescribe written guidelines
10 to be used for determinations of whether the acceptance of
11 money, any personal property, or any loan of personal
12 property under subsection (a) would reflect unfavorably on
13 the ability of the Department of the Navy or any officer
14 or employee of the Department of the Navy to carry out
15 responsibilities or duties in a fair and objective manner,
16 or would compromise either the integrity or the appearance
17 of the integrity of any program of the Department of the
18 Navy or any officer or employee of the Department of the
19 Navy who is involved in any such program.”.

20 (3) Subsection (d) of such section, as redesignated by
21 paragraph (2)(A), is amended by striking “United States
22 Naval Academy general gift fund” both places it appears
23 and inserting “United States Naval Academy Gift and Mu-
24 seum Fund”.

1 (4) *The heading for such section is amended to read*
 2 *as follows:*

3 **“§ 6973. Gifts, bequests, and loans of property: accept-**
 4 **ance for benefit and use of Naval Acad-**
 5 **emy”.**

6 (d) *REFERENCES TO CLOSED GIFT FUNDS.—(1) Sec-*
 7 *tion 6974 of title 10, United States Code, is amended to*
 8 *read as follows:*

9 **“§ 6974. United States Naval Academy Museum Fund:**
 10 **references to Fund**

11 *“Any reference in a law, regulation, document, paper,*
 12 *or other record of the United States to the United States*
 13 *Naval Academy Museum Fund formerly maintained under*
 14 *this section shall be deemed to refer to the United States*
 15 *Naval Academy Gift and Museum Fund maintained under*
 16 *section 6973 of this title.”.*

17 (2) *Section 7222 of such title is amended to read as*
 18 *follows:*

19 **“§ 7222. Naval Historical Center Fund: references to**
 20 **Fund**

21 *“Any reference in a law, regulation, document, paper,*
 22 *or other record of the United States to the Naval Historical*
 23 *Center Fund formerly maintained under this section shall*
 24 *be deemed to refer to the Department of the Navy General*
 25 *Gift Fund maintained under section 2601 of this title.”.*

1 (e) *CLERICAL AMENDMENTS.*—(1) *The table of sections*
 2 *at the beginning of chapter 603 of title 10, United States*
 3 *Code, is amended by striking the items relating to sections*
 4 *6973 and 6974 and inserting the following:*

“6973. *Gifts, bequests, and loans of property: acceptance for benefit and use of*
Naval Academy.

“6974. *United States Naval Academy Museum Fund: references to Fund.*”.

5 (2) *The item relating to section 7222 of such title in*
 6 *the table of sections at the beginning of chapter 631 of such*
 7 *title is amended to read as follows:*

“7222. *Naval Historical Center Fund: references to Fund.*”.

8 **SEC. 913. TEMPORARY AUTHORITY TO DISPOSE OF A GIFT**

9 **PREVIOUSLY ACCEPTED FOR THE NAVAL**

10 **ACADEMY.**

11 *Notwithstanding section 6973 of title 10, United States*
 12 *Code, during fiscal year 2001, the Secretary of the Navy*
 13 *may dispose of the current cash value of a gift accepted*
 14 *before the date of the enactment of this Act for the Naval*
 15 *Academy general gift fund by disbursing out of that fund*
 16 *the amount equal to that cash value to an entity designated*
 17 *by the donor of the gift.*

18 **SEC. 914. MANAGEMENT OF NAVY RESEARCH FUNDS BY**

19 **CHIEF OF NAVAL RESEARCH.**

20 (a) *CLARIFICATION OF DUTIES.*—*Section 5022 of title*
 21 *10, United States Code, is amended—*

22 (1) *by redesignating subsections (c) and (d) as*
 23 *subsections (d) and (e), respectively;*

1 (2) *by inserting after paragraph (1) of sub-*
 2 *section (a) the following:*

3 “(b)(1) *The Chief of Naval Research is the head of the*
 4 *Office of Naval Research.*”; and

5 (3) *by inserting after subsection (b) the following*
 6 *new subsection (c):*

7 “(c) *CHIEF AS MANAGER OF RESEARCH FUNDS.—The*
 8 *Chief of Naval Research shall manage the Navy’s basic, ap-*
 9 *plied, and advanced research funds to foster transition from*
 10 *science and technology to higher levels of research, develop-*
 11 *ment, test, and evaluation.*”.

12 (b) *CONFORMING AMENDMENT.—Subsection (a) of*
 13 *such section is amended by striking “(a)(1)” and inserting*
 14 *“(a)”.*

15 **SEC. 915. UNITED STATES AIR FORCE INSTITUTE OF TECH-**
 16 **NOLOGY.**

17 (a) *AUTHORITY.—(1) Part III of subtitle D of title 10,*
 18 *United States Code, is amended by inserting after chapter*
 19 *903 the following:*

20 **“CHAPTER 904—UNITED STATES AIR**
 21 **FORCE INSTITUTE OF TECHNOLOGY**

“Sec.

“9321. *Establishment; purposes.*

“9322. *Sense of the Senate regarding the utilization of the Air Force Institute of Technology.*

1 **“§ 9321. Establishment; purposes**

2 “(a) *ESTABLISHMENT.*—*There is a United States Air*
3 *Force Institute of Technology in the Department of the Air*
4 *Force.*

5 “(b) *PURPOSES.*—*The purposes of the Institute are as*
6 *follows:*

7 “(1) *To perform research.*

8 “(2) *To provide advanced instruction and tech-*
9 *nical education for employees of the Department of*
10 *the Air Force and members of the Air Force (includ-*
11 *ing the reserve components) in their practical and*
12 *theoretical duties.*

13 **“§ 9322. Sense of the Senate regarding the utilization**
14 ***of the Air Force Institute of Technology***

15 “*It is the sense of the Senate that in order to insure*
16 *full and continued utilization of the Air Force Institute of*
17 *Technology, the Secretary of the Air Force should, in consult*
18 *with the Chief of Staff of the Air Force and the Commander*
19 *of the Air Force Materiel Command, review the following*
20 *areas of organizational structure and operations at the In-*
21 *stitute:*

22 “(1) *The grade of the Commandant.*

23 “(2) *The chain of command of the Commandant*
24 *of the Institute within the Air Force.*

25 “(3) *The employment and compensation of civil-*
26 *ian professors at the Institute.*

1 “(4) *The processes for the identification of re-*
 2 *quirements for advanced degrees within the Air Force,*
 3 *identification for annual enrollment quotas and selec-*
 4 *tion of candidates.*

5 “(5) *Post graduation opportunities for graduates*
 6 *of the Institute.*

7 “(6) *The policies and practices regarding the ad-*
 8 *mission of—*

9 “(A) *officers of the Army, Navy, Marine*
 10 *Corps, and Coast Guard;*

11 “(B) *employees of the Department of the*
 12 *Army, Department of the Navy, and Department*
 13 *of Transportation;*

14 “(C) *personnel of the armed forces of foreign*
 15 *countries;*

16 “(D) *enlisted members of the Armed Forces*
 17 *of the United States; and*

18 “(E) *others eligible for admission.*”.

19 **SEC. 916. EXPANSION OF AUTHORITY TO EXEMPT GEO-**
 20 **DETIC PRODUCTS OF THE DEPARTMENT OF**
 21 **DEFENSE FROM PUBLIC DISCLOSURE.**

22 *Section 455(b)(1)(C) of title 10, United States Code,*
 23 *is amended by striking “or reveal military operational or*
 24 *contingency plans” and inserting “, reveal military oper-*

1 *ational or contingency plans, or reveal, jeopardize, or com-*
2 *promise military or intelligence capabilities”.*

3 **SEC. 917. COORDINATION AND FACILITATION OF DEVELOP-**
4 **MENT OF DIRECTED ENERGY TECHNOLOGIES,**
5 **SYSTEMS, AND WEAPONS.**

6 *(a) FINDINGS.—Congress makes the following findings:*

7 *(1) Directed energy systems are available to ad-*
8 *dress many current challenges with respect to mili-*
9 *tary weapons, including offensive weapons and defen-*
10 *sive weapons.*

11 *(2) Directed energy weapons offer the potential*
12 *to maintain an asymmetrical technological edge over*
13 *adversaries of the United States for the foreseeable fu-*
14 *ture.*

15 *(3) It is in the national interest that funding for*
16 *directed energy science and technology programs be*
17 *increased in order to support priority acquisition*
18 *programs and to develop new technologies for future*
19 *applications.*

20 *(4) It is in the national interest that the level of*
21 *funding for directed energy science and technology*
22 *programs correspond to the level of funding for large-*
23 *scale demonstration programs in order to ensure the*
24 *growth of directed energy science and technology pro-*
25 *grams and to ensure the successful development of*

1 *other weapons systems utilizing directed energy sys-*
2 *tems.*

3 *(5) The industrial base for several critical di-*
4 *rected energy technologies is in fragile condition and*
5 *lacks appropriate incentives to make the large-scale*
6 *investments that are necessary to address current and*
7 *anticipated Department of Defense requirements for*
8 *such technologies.*

9 *(6) It is in the national interest that the Depart-*
10 *ment of Defense utilize and expand upon directed en-*
11 *ergy research currently being conducted by the De-*
12 *partment of Energy, other Federal agencies, the pri-*
13 *vate sector, and academia.*

14 *(7) It is increasingly difficult for the Federal*
15 *Government to recruit and retain personnel with*
16 *skills critical to directed energy technology develop-*
17 *ment.*

18 *(8) The implementation of the recommendations*
19 *contained in the High Energy Laser Master Plan of*
20 *the Department of Defense is in the national interest.*

21 *(9) Implementation of the management structure*
22 *outlined in the Master Plan will facilitate the devel-*
23 *opment of revolutionary capabilities in directed en-*
24 *ergy weapons by achieving a coordinated and focused*
25 *investment strategy under a new management struc-*

1 *ture featuring a joint technology office with senior-*
2 *level oversight provided by a technology council and*
3 *a board of directors.*

4 *(b) IMPLEMENTATION OF HIGH ENERGY LASER MAS-*
5 *TER PLAN.—(1) The Secretary of Defense shall implement*
6 *the management and organizational structure specified in*
7 *the Department of Defense High Energy Laser Master Plan*
8 *of March 24, 2000.*

9 *(2) The Secretary shall locate the Joint Technology Of-*
10 *fice specified in the High Energy Laser Master Plan at a*
11 *location determined appropriate by the Secretary, not later*
12 *than October 1, 2000.*

13 *(3) In determining the location of the Joint Technology*
14 *Office, the Secretary shall, in consultation with the Deputy*
15 *Under Secretary of Defense for Science and Technology,*
16 *evaluate whether to locate the Office at a site at which occur*
17 *a substantial proportion of the directed energy research, de-*
18 *velopment, test, and evaluation activities of the Department*
19 *of Defense.*

20 *(c) ENHANCEMENT OF INDUSTRIAL BASE.—(1) The*
21 *Secretary of Defense shall develop and undertake initia-*
22 *tives, including investment initiatives, for purposes of en-*
23 *hancing the industrial base for directed energy technologies*
24 *and systems.*

1 (2) *Initiatives under paragraph (1) shall be designed*
2 *to—*

3 (A) *stimulate the development by institutions of*
4 *higher education and the private sector of promising*
5 *directed energy technologies and systems; and*

6 (B) *stimulate the development of a workforce*
7 *skilled in such technologies and systems.*

8 (d) *ENHANCEMENT OF TEST AND EVALUATION CAPA-*
9 *BILITIES.—The Secretary of Defense shall consider modern-*
10 *izing the High Energy Laser Test Facility at White Sands*
11 *Missile Range, New Mexico, in order to enhance the test*
12 *and evaluation capabilities of the Department of Defense*
13 *with respect to directed energy weapons.*

14 (e) *COOPERATIVE PROGRAMS AND ACTIVITIES.—The*
15 *Secretary of Defense shall evaluate the feasibility and advis-*
16 *ability of entering into cooperative programs or activities*
17 *with other Federal agencies, institutions of higher edu-*
18 *cation, and the private sector, including the national lab-*
19 *oratories of the Department of Energy, for the purpose of*
20 *enhancing the programs, projects, and activities of the De-*
21 *partment of Defense relating to directed energy technologies,*
22 *systems, and weapons.*

23 (f) *FUNDING FOR FISCAL YEAR 2001.—(1) Of the*
24 *amount authorized to be appropriated by section 201(4) for*
25 *research, development, test, and evaluation, Defense-wide,*

1 up to \$50,000,000 may be available for science and tech-
2 nology activities relating to directed energy technologies,
3 systems, and weapons.

4 (2) The Secretary of Defense shall establish procedures
5 for the allocation of funds available under paragraph (1)
6 among activities referred to in that paragraph. In estab-
7 lishing such procedures, the Secretary shall provide for the
8 competitive selection of programs, projects, and activities
9 to be carried out by the recipients of such funds.

10 (g) *DIRECTED ENERGY DEFINED.*—In this section, the
11 term “directed energy”, with respect to technologies, sys-
12 tems, or weapons, means technologies, systems, or weapons
13 that provide for the directed transmission of energies across
14 the energy and frequency spectrum, including high energy
15 lasers and high power microwaves.

16 **TITLE X—GENERAL PROVISIONS**

17 **Subtitle A—Financial Matters**

18 **SEC. 1001. TRANSFER AUTHORITY.**

19 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.*—(1)
20 Upon determination by the Secretary of Defense that such
21 action is necessary in the national interest, the Secretary
22 may transfer amounts of authorizations made available to
23 the Department of Defense in this division for fiscal year
24 2001 between any such authorizations for that fiscal year
25 (or any subdivisions thereof). Amounts of authorizations so

1 *transferred shall be merged with and be available for the*
 2 *same purposes as the authorization to which transferred.*

3 (2) *The total amount of authorizations that the Sec-*
 4 *retary may transfer under the authority of this section may*
 5 *not exceed \$2,000,000,000.*

6 (b) *LIMITATIONS.—The authority provided by this sec-*
 7 *tion to transfer authorizations—*

8 (1) *may only be used to provide authority for*
 9 *items that have a higher priority than the items from*
 10 *which authority is transferred; and*

11 (2) *may not be used to provide authority for an*
 12 *item that has been denied authorization by Congress.*

13 (c) *EFFECT ON AUTHORIZATION AMOUNTS.—A trans-*
 14 *fer made from one account to another under the authority*
 15 *of this section shall be deemed to increase the amount au-*
 16 *thorized for the account to which the amount is transferred*
 17 *by an amount equal to the amount transferred.*

18 (d) *NOTICE TO CONGRESS.—The Secretary shall*
 19 *promptly notify Congress of each transfer made under sub-*
 20 *section (a).*

21 **SEC. 1002. AUTHORIZATION OF EMERGENCY SUPPLE-**
 22 **MENTAL APPROPRIATIONS FOR FISCAL YEAR**
 23 **2000.**

24 *Amounts authorized to be appropriated to the Depart-*
 25 *ment of Defense for fiscal year 2000 in the National Defense*

1 *Authorization Act for Fiscal Year 2000 (Public Law 106–*
 2 *65) are hereby adjusted, with respect to any such authorized*
 3 *amount, by the amount by which appropriations pursuant*
 4 *to such authorization were increased (by a supplemental*
 5 *appropriation) or decreased (by a rescission), or both, in*
 6 *any law making supplemental appropriations for fiscal*
 7 *year 2000 that is enacted during the 106th Congress, second*
 8 *session.*

9 **SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COM-**
 10 **MON-FUNDED BUDGETS IN FISCAL YEAR 2001.**

11 (a) *FISCAL YEAR 2001 LIMITATION.*—*The total*
 12 *amount contributed by the Secretary of Defense in fiscal*
 13 *year 2001 for the common-funded budgets of NATO may*
 14 *be any amount up to, but not in excess of, the amount speci-*
 15 *fied in subsection (b) (rather than the maximum amount*
 16 *that would otherwise be applicable to those contributions*
 17 *under the fiscal year 1998 baseline limitation).*

18 (b) *TOTAL AMOUNT.*—*The amount of the limitation*
 19 *applicable under subsection (a) is the sum of the following:*

20 (1) *The amounts of unexpended balances, as of*
 21 *the end of fiscal year 2000, of funds appropriated for*
 22 *fiscal years before fiscal year 2001 for payments for*
 23 *those budgets.*

24 (2) *The amount specified in subsection (c)(1).*

25 (3) *The amount specified in subsection (c)(2).*

1 (4) *The total amount of the contributions author-*
2 *ized to be made under section 2501.*

3 (c) *AUTHORIZED AMOUNTS.—Amounts authorized to*
4 *be appropriated by titles II and III of this Act are available*
5 *for contributions for the common-funded budgets of NATO*
6 *as follows:*

7 (1) *Of the amount provided in section 201(1),*
8 *\$743,000 for the Civil Budget.*

9 (2) *Of the amount provided in section 301(1),*
10 *\$194,400,000 for the Military Budget.*

11 (d) *DEFINITIONS.—For purposes of this section:*

12 (1) *COMMON-FUNDED BUDGETS OF NATO.—The*
13 *term “common-funded budgets of NATO” means the*
14 *Military Budget, the Security Investment Program,*
15 *and the Civil Budget of the North Atlantic Treaty Or-*
16 *ganization (and any successor or additional account*
17 *or program of NATO).*

18 (2) *FISCAL YEAR 1998 BASELINE LIMITATION.—*
19 *The term “fiscal year 1998 baseline limitation”*
20 *means the maximum annual amount of Department*
21 *of Defense contributions for common-funded budgets of*
22 *NATO that is set forth as the annual limitation in*
23 *section 3(2)(C)(ii) of the resolution of the Senate giv-*
24 *ing the advice and consent of the Senate to the ratifi-*
25 *cation of the Protocols to the North Atlantic Treaty*

1 *of 1949 on the Accession of Poland, Hungary, and the*
2 *Czech Republic (as defined in section 4(7) of that res-*
3 *olution), approved by the Senate on April 30, 1998.*

4 **SEC. 1004. ANNUAL OMB/CBO JOINT REPORT ON SCORING**
5 **OF BUDGET OUTLAYS.**

6 *(a) REVISION OF SCOPE OF TECHNICAL ASSUMP-*
7 *TIONS.—Subsection (a)(1) of section 226 of title 10, United*
8 *States Code, is amended by inserting “subfunctional cat-*
9 *egory 051 (Department of Defense—Military) under” before*
10 *“major functional category 050”.*

11 *(b) TREATMENT OF DIFFERENCES IN OUTLAY RATES*
12 *AND ASSUMPTIONS.—(1) Subsection (b) of such section is*
13 *amended by striking “, the report shall reflect the average*
14 *of the relevant outlay rates or assumptions used by the two*
15 *offices.” and inserting “, the report shall reflect the dif-*
16 *ferences between the relevant outlay rates or assumptions*
17 *used by the two offices. For each account for which a dif-*
18 *ference is reported, the report shall also display, by fiscal*
19 *year, each office’s estimates regarding budget authority,*
20 *outlay rates, and outlays.”.*

21 *(2) The heading for such subsection is amended to read*
22 *as follows: “DIFFERENCES IN OUTLAY RATES AND ASSUMP-*
23 *TIONS.—”.*

1 **SEC. 1005. PROMPT PAYMENT OF CONTRACT VOUCHERS.**

2 (a) *REQUIREMENT.*—(1) *Chapter 131 of title 10,*
3 *United States Code, is amended by adding at the end the*
4 *following:*

5 **“§2225. Prompt payment of vouchers for contracted**
6 ***property and services***

7 “(a) *REQUIREMENT.*—*Of the contract vouchers that*
8 *are received by the Defense Finance and Accounting Service*
9 *by means of the mechanization of contract administration*
10 *services system, the number of such vouchers that remain*
11 *unpaid for more than 30 days as of the last day of each*
12 *month may not exceed 5 percent of the total number of the*
13 *contract vouchers so received that remain unpaid on that*
14 *day.*

15 “(b) *CONDITIONAL REQUIREMENT FOR REPORT.*—(1)
16 *For any month of a fiscal year that the requirement in sub-*
17 *section (a) is not met, the Secretary of Defense shall submit*
18 *to Congress a report on the magnitude of the unpaid con-*
19 *tract vouchers. The report for a month shall be submitted*
20 *not later than 30 days after the end of that month.*

21 “(2) *A report for a month under paragraph (1) shall*
22 *include information current as of the last day of the month*
23 *as follows:*

24 “(A) *The number of the vouchers received by the*
25 *Defense Finance and Accounting Service by means of*

1 *the mechanization of contract administration services*
2 *system during each month.*

3 “(B) *The number of the vouchers so received,*
4 *whenever received by the Defense Finance and Ac-*
5 *counting Service, that remain unpaid for each of the*
6 *following periods:*

7 “(i) *Not more than 30 days.*

8 “(ii) *Over 30 days and not more than 60*
9 *days.*

10 “(iii) *Over 60 days and not more than 90*
11 *days.*

12 “(iv) *More than 90 days.*

13 “(C) *The number of the vouchers so received that*
14 *remain unpaid for the major categories of procure-*
15 *ments, as defined by the Secretary of Defense.*

16 “(D) *The corrective actions that are necessary,*
17 *and those that are being taken, to ensure compliance*
18 *with the requirement in subsection (a).*

19 “(c) *CONTRACT VOUCHER DEFINED.—In this section,*
20 *the term ‘contract voucher’ means a voucher or invoice for*
21 *the payment of a contractor for services, commercial items*
22 *(as defined in section 4(12) of the Office of Federal Procure-*
23 *ment Policy Act (41 U.S.C. 403(12))), or other deliverable*
24 *items provided by the contractor pursuant to a contract*
25 *funded by the Department of Defense.”.*

1 (2) *The table of sections at the beginning of such chap-*
 2 *ter is amended by adding at the end the following:*

“2225. Prompt payment of vouchers for contracted property and services”.

3 (b) *EFFECTIVE DATE.*—*Section 2225 of title 10,*
 4 *United States Code (as added by subsection (a)), shall take*
 5 *effect on December 1, 2000, and shall apply with respect*
 6 *to months beginning on or after that date.*

7 **SEC. 1006. REPEAL OF CERTAIN REQUIREMENTS RELATING**
 8 **TO TIMING OF CONTRACT PAYMENTS.**

9 *The following provisions of law are repealed: sections*
 10 *8175 and 8176 of the Department of Defense Appropria-*
 11 *tions Act, 2000 (Public Law 106–79), as amended by sec-*
 12 *tions 214 and 215, respectively, of H.R. 3425 of the 106th*
 13 *Congress (113 Stat. 1501A–297), as enacted into law by*
 14 *section 1000(a)(5) of Public Law 106–113.*

15 **SEC. 1007. PLAN FOR PROMPT POSTING OF CONTRACTUAL**
 16 **OBLIGATIONS.**

17 (a) *REQUIREMENT FOR PLAN.*—*The Secretary of De-*
 18 *fense shall submit to the congressional defense committees,*
 19 *not later than November 15, 2000, and carry out a plan*
 20 *for ensuring that each obligation of the Department of De-*
 21 *fense under a transaction described in subsection (c) is post-*
 22 *ed within 10 days after the obligation is incurred.*

23 (b) *CONTENT OF PLAN.*—*The plan for posting obliga-*
 24 *tions shall provide the following:*

(3) *Increased use of electronic means for the submission of invoices and other billing documents.*

12 (1) *A contract.*

13 (2) *An order issued under a contract.*

14 (3) *Services received under a contract.*

15 (4) Any transaction that is similar to a trans-
16 action referred to in another paragraph of this sub-
17 section.

18 ***SEC. 1008. PLAN FOR ELECTRONIC SUBMISSION OF DOCU-***
19 ***MENTATION SUPPORTING CLAIMS FOR CON-***
20 ***TRACT PAYMENTS.***

HR 4205 EAS

1 *the Department of Defense in support of claims for payment*
2 *under contracts is submitted electronically.*

3 (b) *CONTENT OF PLAN.*—*The plan shall include the*
4 *following:*

5 (1) *The format in which information can be ac-*
6 *cepted by the Defense Finance and Accounting Serv-*
7 *ice’s corporate database.*

8 (2) *Procedures for electronic submission of the*
9 *following:*

10 (A) *Receiving reports.*

11 (B) *Contracts and contract modifications.*

12 (C) *Required certifications.*

13 (3) *The requirements to be included in contracts*
14 *regarding electronic submission of invoices by con-*
15 *tractors.*

16 **SEC. 1009. ADMINISTRATIVE OFFSETS FOR OVERPAYMENT**
17 **OF TRANSPORTATION COSTS.**

18 (a) *OFFSETS FOR OVERPAYMENTS OR LIQUIDATED*
19 *DAMAGES.*—*Section 2636 of title 10, United States Code,*
20 *is amended to read as follows:*

21 **“§ 2636. Deductions from amounts due carriers**

22 “(a) *AMOUNTS FOR LOSS OR DAMAGE.*—*An amount*
23 *deducted from an amount due a carrier shall be credited*
24 *as follows:*

1 “(1) *If deducted because of loss of or damage to*
2 *material in transit for a military department, to the*
3 *proper appropriation, account, or fund from which*
4 *the same or similar material may be replaced.*

5 “(2) *If deducted as an administrative offset for*
6 *an overpayment previously made to the carrier under*
7 *any Department of Defense contract for transpor-*
8 *tation services or as liquidated damages due under*
9 *any such contract, to the appropriation or account*
10 *from which payments for the transportation services*
11 *were made.*

12 “(b) *SIMPLIFIED OFFSET FOR COLLECTION OF CLAIMS*
13 *NOT IN EXCESS OF THE SIMPLIFIED ACQUISITION*
14 *THRESHOLD.—(1) In any case in which the total amount*
15 *of a claim for the recovery of overpayments or liquidated*
16 *damages under a contract described in subsection (a)(2)*
17 *does not exceed the simplified acquisition threshold, the Sec-*
18 *retary of Defense or the Secretary concerned may exercise*
19 *the authority to collect the claim by administrative offset*
20 *under section 3716 of title 31 after providing the notice re-*
21 *quired by paragraph (1) of subsection (a) of that section,*
22 *but without regard to paragraphs (2), (3), and (4) of that*
23 *subsection.*

24 “(2) *In this subsection, the term ‘simplified acquisition*
25 *threshold’ has the meaning given the term in section 4(11)*

1 *of the Office of Federal Procurement Policy Act (41 U.S.C.*
 2 *403(11)).”.*

3 (b) *CLERICAL AMENDMENT.—The item relating to*
 4 *such section in the table of sections at the beginning of chap-*
 5 *ter 157 of such title is amended to read as follows:*

“2636. Deductions from amounts due carriers.”.

6 **SEC. 1010. REPEAL OF CERTAIN PROVISIONS SHIFTING**
 7 **CERTAIN OUTLAYS FROM ONE FISCAL YEAR**
 8 **TO ANOTHER.**

9 *Sections 305 and 306 of H.R. 3425 of the 106th Con-*
 10 *gress, as enacted into law by section 1000(a)(5) of Public*
 11 *Law 106–113 (113 Stat. 1501A–306), are repealed.*

12 **SEC. 1010A. TREATMENT OF PARTIAL PAYMENTS UNDER**
 13 **SERVICE CONTRACTS.**

14 *For the purposes of the regulations prescribed under*
 15 *section 3903(a)(5) of title 31, United States Code, partial*
 16 *payments, other than progress payments, that are made on*
 17 *a contract for the procurement of services shall be treated*
 18 *as being periodic payments.*

19 ***Subtitle B—Counter-Drug Activities***

20 **SEC. 1011. EXTENSION AND INCREASE OF AUTHORITY TO**
 21 **PROVIDE ADDITIONAL SUPPORT FOR**
 22 **COUNTER-DRUG ACTIVITIES.**

23 (a) *EXTENSION OF AUTHORITY FOR ASSISTANCE TO*
 24 *COLOMBIA.—Section 1033 of the National Defense Author-*

1 *ization Act for Fiscal Year 1998 (Public Law 105–85; 111*
 2 *Stat. 1881) is amended—*

3 *(1) in subsection (a), by striking “during fiscal*
 4 *years 1998 through 2002,”; and*

5 *(2) in subsection (b)—*

6 *(A) in paragraph (1), by inserting before*
 7 *the period at the end the following: “, for fiscal*
 8 *years 1998 through 2002”; and*

9 *(B) in paragraph (2), by inserting before*
 10 *the period at the end the following: “, for fiscal*
 11 *years 1998 through 2006’.*

12 *(b) ADDITIONAL TYPE OF SUPPORT.—Subsection (c)*
 13 *of such section is amended by adding at the end the fol-*
 14 *lowing:*

15 *“(4) The transfer of one light observation air-*
 16 *craft.”.*

17 *(c) INCREASED MAXIMUM ANNUAL AMOUNT OF SUP-*
 18 *PORT.—Subsection (e)(2) of such section is amended—*

19 *(1) by striking “\$20,000,000” and inserting*
 20 *“\$40,000,000”; and*

21 *(2) by striking “2002” and inserting “2006, of*
 22 *which not more than \$10,000,000 may be obligated or*
 23 *expended for any fiscal year for support for the*
 24 *counter-drug activities of the Government of Peru”.*

1 **SEC. 1012. RECOMMENDATIONS ON EXPANSION OF SUP-**
2 **PORT FOR COUNTER-DRUG ACTIVITIES.**

3 (a) *REQUIREMENT FOR SUBMITTAL OF RECOMMENDA-*
4 *TIONS.*—*The Secretary of Defense shall submit to the Com-*
5 *mittees on Armed Services of the Senate and the House of*
6 *Representatives, not later than February 1, 2001, the Sec-*
7 *retary's recommendations regarding whether expanded sup-*
8 *port for counter-drug activities should be authorized under*
9 *section 1033 of the National Defense Authorization Act for*
10 *Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881) for*
11 *the region that includes the countries that are covered by*
12 *that authority on the date of the enactment of this Act.*

13 (b) *CONTENT OF SUBMISSION.*—*The submission under*
14 *subsection (a) shall include the following:*

15 (1) *What, if any, additional countries should be*
16 *covered.*

17 (2) *What, if any, additional support should be*
18 *provided to covered countries, together with the rea-*
19 *sons for recommending the additional support.*

20 (3) *For each country recommended under para-*
21 *graph (1), a plan for providing support, including*
22 *the counter-drug activities proposed to be supported.*

23 **SEC. 1013. REVIEW OF RIVERINE COUNTER-DRUG PRO-**
24 **GRAM.**

25 (a) *REQUIREMENT FOR REVIEW.*—*The Secretary of*
26 *Defense shall review the riverine counter-drug program sup-*

1 ported under section 1033 of the National Defense Author-
 2 ization Act for Fiscal Year 1998 (Public Law 105–85; 111
 3 Stat. 1881).

4 (b) *REPORT.*—Not later than February 1, 2001, the
 5 Secretary shall submit a report on the riverine counter-drug
 6 program to the Committees on Armed Services of the Senate
 7 and the House of Representatives. The report shall include,
 8 for each country receiving support under the riverine
 9 counter-drug program, the following:

10 (1) *The Assistant Secretary’s assessment of the*
 11 *effectiveness of the program.*

12 (2) *A recommendation regarding which of the*
 13 *Armed Forces, units of the Armed Forces, or other or-*
 14 *ganizations within the Department of Defense should*
 15 *be responsible for managing the program.*

16 (c) *DELEGATION OF AUTHORITY.*—The Secretary shall
 17 require the Assistant Secretary of Defense for Special Oper-
 18 ations and Low Intensity Conflict to carry out the respon-
 19 sibilities under this section.

20 ***Subtitle C—Strategic Forces***

21 ***SEC. 1015. REVISED NUCLEAR POSTURE REVIEW.***

22 (a) *REQUIREMENT FOR REVIEW.*—The Secretary of
 23 Defense, in consultation with the Secretary of Energy, shall
 24 conduct a comprehensive review of the nuclear posture of
 25 the United States for the next 5 to 10 years.

1 (b) *ELEMENTS OF REVIEW.*—*The nuclear posture re-*
2 *view shall include the following elements:*

3 (1) *The role of nuclear forces in United States*
4 *military strategy, planning, and programming.*

5 (2) *The policy requirements and objectives for*
6 *the United States to maintain a safe, reliable, and*
7 *credible nuclear deterrence posture.*

8 (3) *The relationship between United States nu-*
9 *clear deterrence policy, targeting strategy, and arms*
10 *control objectives.*

11 (4) *The levels and composition of the nuclear de-*
12 *livery systems that will be required for implementing*
13 *the United States national and military strategy, in-*
14 *cluding any plans for replacing or modifying existing*
15 *systems.*

16 (5) *The nuclear weapons complex that will be re-*
17 *quired for implementing the United States national*
18 *and military strategy, including any plans to mod-*
19 *ernize or modify the complex.*

20 (6) *The active and inactive nuclear weapons*
21 *stockpile that will be required for implementing the*
22 *United States national and military strategy, includ-*
23 *ing any plans for replacing or modifying warheads.*

24 (c) *REPORT TO CONGRESS.*—*The Secretary of Defense*
25 *shall submit to Congress, in unclassified and classified*

1 *forms as necessary, a report on the results of the nuclear*
 2 *posture review concurrently with the Quadrennial Defense*
 3 *Review due in December 2001.*

4 (d) *SENSE OF CONGRESS.—It is the sense of Congress*
 5 *that, to clarify United States nuclear deterrence policy and*
 6 *strategy for the next 5 to 10 years, a revised nuclear posture*
 7 *review should be conducted and that such review should be*
 8 *used as the basis for establishing future United States arms*
 9 *control objectives and negotiating positions.*

10 **SEC. 1016. PLAN FOR THE LONG-TERM SUSTAINMENT AND**
 11 **MODERNIZATION OF UNITED STATES STRA-**
 12 **TEGIC NUCLEAR FORCES.**

13 (a) *REQUIREMENT FOR PLAN.—The Secretary of De-*
 14 *fense, in consultation with the Secretary of Energy, shall*
 15 *develop a long-range plan for the sustainment and mod-*
 16 *ernization of United States strategic nuclear forces to*
 17 *counter emerging threats and satisfy the evolving require-*
 18 *ments of deterrence.*

19 (b) *ELEMENTS OF PLAN.—The plan specified under*
 20 *subsection (a) shall include the Secretary's plans, if any,*
 21 *for the sustainment and modernization of the following:*

22 (1) *Land-based and sea-based strategic ballistic*
 23 *missiles, including any plans for developing replace-*
 24 *ments for the Minuteman III intercontinental bal-*
 25 *listic missile and the Trident II sea-launched ballistic*

1 *missile and plans for common ballistic missile tech-*
 2 *nology development*

3 (2) *Strategic nuclear bombers, including any*
 4 *plans for a B-2 follow-on, a B-52 replacement, and*
 5 *any new air-launched weapon systems.*

6 (3) *Appropriate warheads to outfit the strategic*
 7 *nuclear delivery systems referred to in paragraphs (1)*
 8 *and (2) to satisfy evolving military requirements.*

9 (c) *SUBMITTAL OF PLAN.*—*The plan specified under*
 10 *subsection (a) shall be submitted to Congress not later than*
 11 *April 15, 2001. The plan shall be submitted in unclassified*
 12 *and classified forms, as necessary.*

13 **SEC. 1017. CORRECTION OF SCOPE OF WAIVER AUTHORITY**
 14 **FOR LIMITATION ON RETIREMENT OR DIS-**
 15 **MANTLEMENT OF STRATEGIC NUCLEAR DE-**
 16 **LIVERY SYSTEMS; AUTHORITY TO WAIVE LIM-**
 17 **TATION.**

18 (a) *IN GENERAL.*—*Section 1302(b) of the National De-*
 19 *fense Authorization Act for Fiscal Year 1998 (Public Law*
 20 *105–85; 111 Stat. 1948), as amended by section 1501(a)*
 21 *of the National Defense Authorization Act for Fiscal Year*
 22 *2000 (Public Law 106–65; 113 Stat. 806), is further*
 23 *amended by striking “the application of the limitation in*
 24 *effect under paragraph (1)(B) or (3) of subsection (a), as*
 25 *the case may be,” and inserting “the application of the lim-*

1 *itation in effect under subsection (a) to a strategic nuclear*
 2 *delivery system”.*

3 *(b) AUTHORITY TO WAIVE LIMITATION ON RETIRE-*
 4 *MENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DE-*
 5 *LIVERY SYSTEMS.—After the submission of the report on*
 6 *the results of the nuclear posture review to Congress under*
 7 *section 1015(c)—*

8 *(1) the Secretary of Defense shall, taking into*
 9 *consideration the results of the review, submit to the*
 10 *President a recommendation regarding whether the*
 11 *President should waive the limitation on the retire-*
 12 *ment or dismantlement of strategic nuclear delivery*
 13 *systems in section 1302 of the National Defense Au-*
 14 *thorization Act for Fiscal Year 1998 (Public Law*
 15 *105–85; 111 Stat. 1948); and*

16 *(2) the President, taking into consideration the*
 17 *results of the review and the recommendation made*
 18 *by the Secretary of Defense under paragraph (1), may*
 19 *waive the limitation referred to in that paragraph if*
 20 *the President determines that it is in the national se-*
 21 *curity interests of the United States to do so.*

22 **SEC. 1018. REPORT ON THE DEFEAT OF HARDENED AND**
 23 **DEEPLY BURIED TARGETS.**

24 *(a) STUDY.—The Secretary of Defense shall, in con-*
 25 *junction with the Secretary of Energy, conduct a study re-*

1 *lating to the defeat of hardened and deeply buried targets.*

2 *Under the study, the Secretaries shall—*

3 *(1) review the requirements and current and fu-*
4 *ture plans for hardened and deeply buried targets and*
5 *agent defeat weapons concepts and activities;*

6 *(2) determine if those plans adequately address*
7 *all requirements;*

8 *(3) identify potential future hardened and deeply*
9 *buried targets and other related targets;*

10 *(4) determine what resources and research and*
11 *development efforts are needed to defeat the targets*
12 *identified under paragraph (3) as well as other agent*
13 *defeat requirements;*

14 *(5) assess both current and future options to de-*
15 *feat hardened and deeply buried targets as well as*
16 *agent defeat weapons concepts, including any limited*
17 *research and development that may be necessary to*
18 *conduct such assessment; and*

19 *(6) determine the capability and cost of each op-*
20 *tion.*

21 *(b) REPORT.—The Secretary of Defense shall submit*
22 *to the congressional defense committees a report on the re-*
23 *sults of the study required by subsection (a) not later than*
24 *July 1, 2001.*

1 **SEC. 1019. SENSE OF SENATE ON THE MAINTENANCE OF**
 2 **THE STRATEGIC NUCLEAR TRIAD.**

3 *It is the sense of the Senate that, in light of the poten-*
 4 *tial for further arms control agreements with the Russian*
 5 *Federation limiting strategic forces—*

6 *(1) it is in the national interest of the United*
 7 *States to maintain a robust and balanced TRIAD of*
 8 *strategic nuclear delivery vehicles, including long-*
 9 *range bombers, land-based intercontinental ballistic*
 10 *missiles (ICBMs), and ballistic missile submarines;*
 11 *and*

12 *(2) reductions to United States conventional*
 13 *bomber capability are not in the national interest of*
 14 *the United States.*

15 ***Subtitle D—Miscellaneous***
 16 ***Reporting Requirements***

17 **SEC. 1021. ANNUAL REPORT OF THE CHAIRMAN OF THE**
 18 **JOINT CHIEFS OF STAFF ON COMBATANT**
 19 **COMMAND REQUIREMENTS.**

20 *(a) ADDITIONAL COMPONENT.—Section 153(d)(1) of*
 21 *title 10, United States Code, is amended by adding at the*
 22 *end the following:*

23 *“(C) The extent to which the future-years defense*
 24 *program (under section 221 of this title) addresses the*
 25 *requirements on the consolidated lists.”.*

1 (b) *APPLICABILITY TO REPORTS AFTER FISCAL YEAR*
2 *2000.—Subparagraph (C) of paragraph (1) of section*
3 *153(d) of title 10, United States Code (as added by sub-*
4 *section (a)), shall apply to reports submitted to Congress*
5 *under such section after fiscal year 2000.*

6 **SEC. 1022. SEMIANNUAL REPORT ON JOINT REQUIREMENTS**
7 **OVERSIGHT COUNCIL.**

8 (a) *SEMIANNUAL REPORT.—The Chairman of the*
9 *Joints Chiefs of Staff shall submit to the congressional de-*
10 *fense committees a semiannual report on the activities of*
11 *the Joint Requirements Oversight Council. The principal*
12 *purpose of the report is to inform the committees of the*
13 *progress made in the reforming and refocusing of the Joint*
14 *Requirements Oversight Council process during the period*
15 *covered by the report.*

16 (b) *CONTENT.—The report for a half of a fiscal year*
17 *shall include the following:*

18 (1) *A listing and justification for each of the dis-*
19 *tinct capability areas selected by the Chairman of the*
20 *Joints Chiefs of Staff as being within the principal*
21 *domain of the Joint Requirements Oversight Council.*

22 (2) *A listing of the joint requirements developed,*
23 *considered, or approved within each of the capability*
24 *areas.*

1 (3) *A listing and explanation of the decisions*
2 *made by the Joint Requirements Oversight Council,*
3 *together with a delineation of each decision that was*
4 *made in disagreement with a position advocated by*
5 *the Commander in Chief, United States Joint Forces*
6 *Command, as the chief proponent of the requirements*
7 *identified by the commanders of the unified and spec-*
8 *ified combatant commands.*

9 (4) *An assessment of the progress made in ele-*
10 *vating the Joint Requirements Oversight Council to a*
11 *more strategic focus on future war fighting require-*
12 *ments, integration of requirements, and development*
13 *of overarching common architectures.*

14 (5) *A summation and assessment of the role and*
15 *impact of joint experimentation on the processes and*
16 *decisions for defining joint requirements, for defining*
17 *requirements of each of the Armed Forces individ-*
18 *ually, for managing acquisitions by Defense Agencies,*
19 *and for managing acquisitions by the military de-*
20 *partments.*

21 (6) *A description of any procedural actions that*
22 *have been taken to improve the Joint Requirements*
23 *Oversight Council.*

24 (7) *Any recommendations for legislation or for*
25 *providing additional resources that the Chairman*

1 *considers necessary in order fully to refocus and re-*
2 *form the processes of the Joint Requirements Over-*
3 *sight Council.*

4 *(c) DATES FOR SUBMISSION.—(1) The semiannual re-*
5 *port for the half of a fiscal year ending on March 31 of*
6 *a year shall be submitted not later than August 31 of that*
7 *year.*

8 *(2) The semiannual report for the half of a fiscal year*
9 *ending on September 30 of a year shall be submitted not*
10 *later than February 28 of the following year.*

11 *(3) The first semiannual report shall be submitted not*
12 *later than February 28, 2001, and shall cover the last half*
13 *of fiscal year 2000.*

14 **SEC. 1023. PREPAREDNESS OF MILITARY INSTALLATION**

15 **FIRST RESPONDERS FOR INCIDENTS INVOLV-**
16 **ING WEAPONS OF MASS DESTRUCTION.**

17 *(a) REQUIREMENT FOR REPORT.—Not later than 90*
18 *days after the date of the enactment of this Act, the Sec-*
19 *retary of Defense shall submit to Congress a report on the*
20 *program of the Department of Defense to ensure the pre-*
21 *paredness of the first responders of the Department of De-*
22 *fense for incidents involving weapons of mass destruction*
23 *on installations of the Department of Defense.*

24 *(b) CONTENT OF REPORT.—The report shall include*
25 *the following:*

1 (1) *A detailed description of the overall pre-*
2 *paredness program.*

3 (2) *The schedule and costs associated with the*
4 *implementation of the program.*

5 (3) *The Department's plan for coordinating the*
6 *preparedness program with responders in the commu-*
7 *nities in the localities of the installations.*

8 (4) *The Department's plan for promoting the*
9 *interoperability of the equipment used by the installa-*
10 *tion first responders referred to in subsection (a) with*
11 *the equipment used by the first responders in those*
12 *communities.*

13 (c) *DEFINITIONS.—In this section:*

14 (1) *The term “first responder” means an organi-*
15 *zation responsible for responding to an incident in-*
16 *volving a weapon of mass destruction.*

17 (2) *The term “weapon of mass destruction” has*
18 *the meaning given that term in section 1403(1) of the*
19 *Defense Against Weapons of Mass Destruction Act of*
20 *1996 (50 U.S.C. 2302(1)).*

1 **SEC. 1024. DATE OF SUBMITTAL OF REPORTS ON SHORT-**
 2 **FALLS IN EQUIPMENT PROCUREMENT AND**
 3 **MILITARY CONSTRUCTION FOR THE RESERVE**
 4 **COMPONENTS IN FUTURE-YEARS DEFENSE**
 5 **PROGRAMS.**

6 *Section 10543(c) of title 10, United States Code, is*
 7 *amended by adding at the end the following new paragraph:*

8 *“(3) A report required under paragraph (1) for a fiscal*
 9 *year shall be submitted not later than 15 days after the*
 10 *date on which the President submits to Congress the budget*
 11 *for such fiscal year under section 1105(a) of title 31.”.*

12 **SEC. 1025. MANAGEMENT REVIEW OF DEFENSE LOGISTICS**
 13 **AGENCY.**

14 *(a) COMPTROLLER GENERAL REVIEW REQUIRED.—*
 15 *The Comptroller General shall review each operation of the*
 16 *Defense Logistics Agency—*

17 *(1) to assess—*

18 *(A) the efficiency of the operation;*

19 *(B) the effectiveness of the operation in*
 20 *meeting customer requirements; and*

21 *(C) the flexibility of the operation to adopt*
 22 *best business practices; and*

23 *(2) to identify alternative approaches for im-*
 24 *proving the operations of the agency.*

25 *(b) REPORT.—Not later than February 1, 2002, the*
 26 *Comptroller General shall submit to the Committees on*

1 *Armed Services of the Senate and the House of Representa-*
 2 *tives 1 or more reports setting forth the Comptroller Gen-*
 3 *eral's findings resulting from the review.*

4 **SEC. 1026. MANAGEMENT REVIEW OF DEFENSE INFORMA-**
 5 **TION SYSTEMS AGENCY.**

6 (a) *COMPTROLLER GENERAL REVIEW REQUIRED.—*
 7 *The Comptroller General shall review each operation of the*
 8 *Defense Information Systems Agency—*

9 (1) *to assess—*

10 (A) *the efficiency of the operation;*

11 (B) *the effectiveness of the operation in*
 12 *meeting customer requirements; and*

13 (C) *the flexibility of the operation to adopt*
 14 *best business practices; and*

15 (2) *to identify alternative approaches for im-*
 16 *proving the information systems of the Department of*
 17 *Defense.*

18 (b) *REPORT.—Not later than February 1, 2002, the*
 19 *Comptroller General shall submit to the Committees on*
 20 *Armed Services of the Senate and the House of Representa-*
 21 *tives one or more reports setting forth the Comptroller Gen-*
 22 *eral's findings resulting from the review.*

1 **SEC. 1027. REPORT ON SPARE PARTS AND REPAIR PARTS**
2 **PROGRAM OF THE AIR FORCE FOR THE C-5**
3 **AIRCRAFT.**

4 (a) *FINDINGS.*—Congress makes the following findings:

5 (1) *There exists a significant shortfall in the Na-*
6 *tion's current strategic airlift requirement, even*
7 *though strategic airlift remains critical to the na-*
8 *tional security strategy of the United States.*

9 (2) *This shortfall results from the slow phase-out*
10 *of C-141 aircraft and their replacement with C-17*
11 *aircraft and from lower than optimal reliability rates*
12 *for the C-5 aircraft.*

13 (3) *One of the primary causes of these reliability*
14 *rates for C-5 aircraft, and especially for operational*
15 *unit aircraft, is the shortage of spare repair parts.*
16 *Over the past 5 years, this shortage has been particu-*
17 *larly evident in the C-5 fleet.*

18 (4) *NMCS (Not Mission Capable for Supply)*
19 *rates for C-5 aircraft have increased significantly in*
20 *the period between 1997 and 1999. At Dover Air*
21 *Force Base, Delaware, an average of 7 to 9 C-5 air-*
22 *craft were not available during that period because of*
23 *a lack of parts.*

24 (5) *Average rates of cannibalization of C-5 air-*
25 *craft per 100 sorties of such aircraft have also in-*
26 *creased during that period and are well above the Air*

1 *Mobility Command standard. In any given month,*
2 *this means devoting additional manhours to*
3 *cannibalizations of C-5 aircraft. At Dover Air Force*
4 *Base, an average of 800 to 1,000 additional*
5 *manhours were required for cannibalizations of C-5*
6 *aircraft during that period. Cannibalizations are*
7 *often required for aircraft that transit through a base*
8 *such as Dover Air Force Base, as well as those that*
9 *are based there.*

10 (6) *High cannibalization rates indicate a sig-*
11 *nificant problem in delivering spare parts in a timely*
12 *manner and systemic problems within the repair and*
13 *maintenance process, and also demoralize overworked*
14 *maintenance crews.*

15 (7) *The C-5 aircraft remains an absolutely crit-*
16 *ical asset in air mobility and airlifting heavy equip-*
17 *ment and personnel to both military contingencies*
18 *and humanitarian relief efforts around the world.*

19 (8) *Despite increased funding for spare and re-*
20 *pair parts and other efforts by the Air Force to miti-*
21 *gate the parts shortage problem, Congress continues to*
22 *receive reports of significant cannibalizations to air-*
23 *worthy C-5 aircraft and parts backlogs.*

24 (b) *REPORTS.—Not later than January 1, 2001, and*
25 *September 30, 2001, the Secretary of the Air Force shall*

1 *submit to the congressional defense committees a report on*
 2 *the overall status of the spare and repair parts program*
 3 *of the Air Force for the C-5 aircraft. The report shall in-*
 4 *clude the following—*

5 (1) *a statement of the funds currently allocated*
 6 *to parts for the C-5 aircraft and the adequacy of such*
 7 *funds to meet current and future parts and mainte-*
 8 *nance requirements for that aircraft;*

9 (2) *a description of current efforts to address*
 10 *shortfalls in parts for such aircraft, including an as-*
 11 *essment of potential short-term and long-term effects*
 12 *of such efforts;*

13 (3) *an assessment of the effects of such shortfalls*
 14 *on readiness and reliability ratings for C-5 aircraft;*

15 (4) *a description of cannibalization rates for C-*
 16 *5 aircraft and the manhours devoted to*
 17 *cannibalizations of such aircraft; and*

18 (5) *an assessment of the effects of parts shortfalls*
 19 *and cannibalizations with respect to C-5 aircraft on*
 20 *readiness and retention.*

21 **SEC. 1028. REPORT ON THE STATUS OF DOMESTIC PRE-**
 22 **PAREDNESS AGAINST THE THREAT OF BIO-**
 23 **LOGICAL TERRORISM.**

24 (a) *REPORT REQUIRED.*—Not later than March 31,
 25 2001, the President shall submit to the Speaker of the House

1 *of Representatives and the President Pro Tempore of the*
2 *Senate a report on domestic preparedness against the threat*
3 *of biological terrorism.*

4 *(b) REPORT ELEMENTS.—The report shall address the*
5 *following:*

6 *(1) The current state of United States prepared-*
7 *ness to defend against a biologic attack.*

8 *(2) The roles that various Federal agencies cur-*
9 *rently play, and should play, in preparing for, and*
10 *defending against, such an attack.*

11 *(3) The roles that State and local agencies and*
12 *public health facilities currently play, and should*
13 *play, in preparing for, and defending against, such*
14 *an attack.*

15 *(4) The advisability of establishing an intergov-*
16 *ernmental task force to assist in preparations for such*
17 *an attack.*

18 *(5) The potential role of advanced communica-*
19 *tions systems in aiding domestic preparedness against*
20 *such an attack.*

21 *(6) The potential for additional research and de-*
22 *velopment in biotechnology to aid domestic prepared-*
23 *ness against such an attack.*

24 *(7) Other measures that should be taken to aid*
25 *domestic preparedness against such an attack.*

1 (8) *The financial resources necessary to support*
2 *efforts for domestic preparedness against such an at-*
3 *tack.*

4 (9) *The beneficial consequences of such efforts*
5 *on—*

6 (A) *the treatment of naturally occurring in-*
7 *fectious disease;*

8 (B) *the efficiency of the United States*
9 *health care system;*

10 (C) *the maintenance in the United States of*
11 *a competitive edge in biotechnology; and*

12 (D) *the United States economy.*

13 **SEC. 1029. REPORT ON GLOBAL MISSILE LAUNCH EARLY**
14 **WARNING CENTER.**

15 *Not later than March 15, 2001, the Secretary of De-*
16 *fense shall submit to the congressional defense committees*
17 *a report on the feasibility and advisability of establishing*
18 *a center at which missile launch early warning data from*
19 *the United States and other nations would be made avail-*
20 *able to representatives of nations concerned with the launch*
21 *of ballistic missiles. The report shall include the Secretary's*
22 *assessment of the advantages and disadvantages of such a*
23 *center and any other matters regarding such a center that*
24 *the Secretary considers appropriate.*

1 **SEC. 1030. MANAGEMENT REVIEW OF WORKING-CAPITAL**
2 **FUND ACTIVITIES.**

3 (a) *COMPTROLLER GENERAL REVIEW REQUIRED.*—
4 *The Comptroller General shall conduct a review of the work-*
5 *ing-capital fund activities of the Department of Defense to*
6 *identify any potential changes in current management*
7 *processes or policies that, if made, would result in a more*
8 *efficient and economical operation of those activities.*

9 (b) *REVIEW TO INCLUDE CARRYOVER POLICY.*—*The*
10 *review shall include a review of practices under the Depart-*
11 *ment of Defense policy that authorizes funds available for*
12 *working-capital fund activities for one fiscal year to be obli-*
13 *gated for work to be performed at such activities within*
14 *the first 90 days of the next fiscal year (known as “carry-*
15 *over”). On the basis of the review, the Comptroller General*
16 *shall determine the following:*

17 (1) *The extent to which the working-capital fund*
18 *activities of the Department of Defense have complied*
19 *with the 90-day carryover policy.*

20 (2) *The reasons for the carryover authority*
21 *under the policy to apply to as much as a 90-day*
22 *quantity of work.*

23 (3) *Whether applying the carryover authority to*
24 *not more than a 30-day quantity of work would be*
25 *sufficient to ensure uninterrupted operations at the*
26 *working-capital fund activities early in a fiscal year.*

1 (4) *What, if any, savings could be achieved by*
2 *restricting the carryover authority so as to apply to*
3 *a 30-day quantity of work.*

4 **SEC. 1031. REPORT ON SUBMARINE RESCUE SUPPORT VES-**
5 **SELS.**

6 (a) *REQUIREMENT.*—*The Secretary of the Navy shall*
7 *submit to Congress, together with the submission of the*
8 *budget of the President for fiscal year 2002 under section*
9 *1105 of title 31, United States Code, a report on the plan*
10 *of the Navy for providing for submarine rescue support ves-*
11 *sels through fiscal year 2007.*

12 (b) *CONTENT.*—*The report shall include a discussion*
13 *of the following:*

14 (1) *The requirement for submarine rescue sup-*
15 *port vessels through fiscal year 2007, including expe-*
16 *rience in changing from the provision of such vessels*
17 *from dedicated platforms to the provision of such ves-*
18 *sels through vessel of opportunity services and charter*
19 *vessels.*

20 (2) *The resources required, the risks to subma-*
21 *riners, and the operational impacts of the following:*

22 (A) *Chartering submarine rescue support*
23 *vessels for terms of up to five years, with options*
24 *to extend the charters for two additional five-*
25 *year periods.*

1 (B) *Providing submarine rescue support*
 2 *vessels using vessel of opportunity services.*

3 (C) *Providing submarine rescue support*
 4 *services through other means considered by the*
 5 *Navy.*

6 **SEC. 1032. REPORTS ON FEDERAL GOVERNMENT PROGRESS**
 7 **IN DEVELOPING INFORMATION ASSURANCE**
 8 **STRATEGIES.**

9 (a) *FINDINGS.—Congress makes the following findings:*

10 (1) *The protection of our Nation’s critical infra-*
 11 *structure is of paramount importance to the security*
 12 *of the United States.*

13 (2) *The vulnerability of our Nation’s critical sec-*
 14 *tors—such as financial services, transportation, com-*
 15 *munications, and energy and water supply—has in-*
 16 *creased dramatically in recent years as our economy*
 17 *and society have become ever more dependent on*
 18 *interconnected computer systems.*

19 (3) *Threats to our Nation’s critical infrastruc-*
 20 *ture will continue to grow as foreign governments,*
 21 *terrorist groups, and cyber-criminals increasingly*
 22 *focus on information warfare as a method of achiev-*
 23 *ing their aims.*

24 (4) *Addressing the computer-based risks to our*
 25 *Nation’s critical infrastructure requires extensive co-*

1 *ordination and cooperation within and between Fed-*
2 *eral agencies and the private sector.*

3 *(5) Presidential Decision Directive No. 63*
4 *(PDD–63) identifies 12 areas critical to the func-*
5 *tioning of the United States and requires certain Fed-*
6 *eral agencies, and encourages private sector indus-*
7 *tries, to develop and comply with strategies intended*
8 *to enhance the Nation’s ability to protect its critical*
9 *infrastructure.*

10 *(6) PDD–63 requires lead Federal agencies to*
11 *work with their counterparts in the private sector to*
12 *create early warning information sharing systems*
13 *and other cyber-security strategies.*

14 *(7) PDD–63 further requires that key Federal*
15 *agencies develop their own internal information as-*
16 *urance plans, and that these plans be fully oper-*
17 *ational not later than May 2003.*

18 *(b) REPORT REQUIREMENTS.—(1) Not later than July*
19 *1, 2001, the President shall submit to Congress a com-*
20 *prehensive report detailing the specific steps taken by the*
21 *Federal Government as of the date of the report to develop*
22 *infrastructure assurance strategies as outlined by Presi-*
23 *dential Decision Directive No. 63 (PDD–63). The report*
24 *shall include the following:*

1 (A) *A detailed summary of the progress of each*
2 *Federal agency in developing an internal information*
3 *assurance plan.*

4 (B) *The progress of Federal agencies in estab-*
5 *lishing partnerships with relevant private sector in-*
6 *dustries.*

7 (2) *Not later than 120 days after the date of the enact-*
8 *ment of this Act, the Secretary of Defense shall submit to*
9 *Congress a detailed report on the roles and responsibilities*
10 *of the Department of Defense in defending against attacks*
11 *on critical infrastructure and critical information-based*
12 *systems. The report shall include the following:*

13 (A) *A description of the current role of the De-*
14 *partment of Defense in implementing Presidential*
15 *Decision Directive No. 63 (PDD-63).*

16 (B) *A description of the manner in which the*
17 *Department is integrating its various capabilities*
18 *and assets (including the Army Land Information*
19 *Warfare Activity (LIWA), the Joint Task Force on*
20 *Computer Network Defense (JTF-CND), and the Na-*
21 *tional Communications System) into an indications*
22 *and warning architecture.*

23 (C) *A description of Department work with the*
24 *intelligence community to identify, detect, and*
25 *counter the threat of information warfare programs*

1 *by potentially hostile foreign national governments*
 2 *and sub-national groups.*

3 *(D) A definitions of the terms “nationally sig-*
 4 *nificant cyber event” and “cyber reconstitution”.*

5 *(E) A description of the organization of Depart-*
 6 *ment to protect its foreign-based infrastructure and*
 7 *networks.*

8 *(F) An identification of the elements of a defense*
 9 *against an information warfare attack, including the*
 10 *integration of the Computer Network Attack Capa-*
 11 *bility of the United States Space Command into the*
 12 *overall cyber-defense of the United States.*

13 ***Subtitle E—Information Security***

14 ***SEC. 1041. INSTITUTE FOR DEFENSE COMPUTER SECURITY*** 15 ***AND INFORMATION PROTECTION.***

16 *(a) ESTABLISHMENT.—The Secretary of Defense shall*
 17 *establish an Institute for Defense Computer Security and*
 18 *Information Protection.*

19 *(b) MISSION.—The Secretary shall require the*
 20 *institute—*

21 *(1) to conduct research and technology develop-*
 22 *ment that is relevant to foreseeable computer and net-*
 23 *work security requirements and information assur-*
 24 *ance requirements of the Department of Defense with*
 25 *a principal focus on areas not being carried out by*

7 (c) CONTRACTOR OPERATION.—The Secretary shall
8 enter into a contract with a not-for-profit entity or consor-
9 tium of not-for-profit entities to organize and operate the
10 institute. The Secretary shall use competitive procedures for
11 the selection of the contractor to the extent determined nec-
12 essary by the Secretary.

(e) *REPORT.*—Not later than April 1, 2001, the Secretary shall submit to the congressional defense committees the Secretary's plan for implementing this section.

20 SEC. 1042. INFORMATION SECURITY SCHOLARSHIP PRO-
21 GRAM.

HR 4205 EAS

1 **“CHAPTER 112—INFORMATION SECURITY**
 2 **SCHOLARSHIP PROGRAM**

“Sec.

“2200. *Programs; purpose.*

“2200a. *Scholarship program.*

“2200b. *Grant program.*

“2200c. *Centers of Academic Excellence in Information Assurance Education.*

“2200d. *Regulations.*

“2200e. *Definitions.*

“2200f. *Inapplicability to Coast Guard.*

3 **“§ 2200. Programs; purpose**

4 “(a) *IN GENERAL.*—*To encourage the recruitment and*
 5 *retention of Department of Defense personnel who have the*
 6 *computer and network security skills necessary to meet De-*
 7 *partment of Defense information assurance requirements,*
 8 *the Secretary of Defense may carry out programs in accord-*
 9 *ance with this chapter to provide financial support for edu-*
 10 *cation in disciplines relevant to those requirements at insti-*
 11 *tutions of higher education.*

12 “(b) *TYPES OF PROGRAMS.*—*The programs authorized*
 13 *under this chapter are as follows:*

14 “(1) *Scholarships for pursuit of programs of edu-*
 15 *cation in information assurance at institutions of*
 16 *higher education.*

17 “(2) *Grants to institutions of higher education.*

18 **“§ 2200a. Scholarship program**

19 “(a) *AUTHORITY.*—*The Secretary of Defense may, sub-*
 20 *ject to subsection (g), provide financial assistance in accord-*
 21 *ance with this section to a person pursuing a baccalaureate*

1 *or advanced degree in an information assurance discipline*
2 *referred to in section 2200(a) of this title at an institution*
3 *of higher education who enters into an agreement with the*
4 *Secretary as described in subsection (b).*

5 “(b) *SERVICE AGREEMENT FOR SCHOLARSHIP RECIPI-*
6 *ENTS.—(1) To receive financial assistance under this*
7 *section—*

8 “(A) *a member of the armed forces shall enter*
9 *into an agreement to serve on active duty in the*
10 *member’s armed force for the period of obligated serv-*
11 *ice determined under paragraph (2);*

12 “(B) *an employee of the Department of Defense*
13 *shall enter into an agreement to continue in the em-*
14 *ployment of the department for the period of obligated*
15 *service determined under paragraph (2); and*

16 “(C) *a person not referred to in subparagraph*
17 *(A) or (B) shall enter into an agreement—*

18 “(i) *to enlist or accept a commission in one*
19 *of the armed forces and to serve on active duty*
20 *in that armed force for the period of obligated*
21 *service determined under paragraph (2); or*

22 “(ii) *to accept and continue employment in*
23 *the Department of Defense for the period of obli-*
24 *gated service determined under paragraph (2).*

1 “(2) *For the purposes of this subsection, the period of*
2 *obligated service for a recipient of financial assistance*
3 *under this section shall be the period determined by the Sec-*
4 *retary of Defense as being appropriate to obtain adequate*
5 *service in exchange for the financial assistance and other-*
6 *wise to achieve the goals set forth in section 2200(a) of this*
7 *title. In no event may the period of service required of a*
8 *recipient be less than the period equal to $\frac{3}{4}$ of the total*
9 *period of pursuit of a degree for which the Secretary agrees*
10 *to provide the recipient with financial assistance under this*
11 *section. The period of obligated service is in addition to any*
12 *other period for which the recipient is obligated to serve*
13 *on active duty or in the civil service, as the case may be.*

14 “(3) *An agreement entered into under this section by*
15 *a person pursuing an academic degree shall include clauses*
16 *that provide the following:*

17 “(A) *That the period of obligated service begins*
18 *on a date after the award of the degree that is deter-*
19 *mined under the regulations prescribed under section*
20 *2200d of this title.*

21 “(B) *That the person will maintain satisfactory*
22 *academic progress, as determined in accordance with*
23 *those regulations, and that failure to maintain such*
24 *progress constitutes grounds for termination of the fi-*
25 *nancial assistance for the person under this section.*

1 “(C) *Any other terms and conditions that the*
2 *Secretary of Defense determines appropriate for car-*
3 *rying out this section.*

4 “(c) *AMOUNT OF ASSISTANCE.—The amount of the fi-*
5 *nanacial assistance provided for a person under this section*
6 *shall be the amount determined by the Secretary of Defense*
7 *as being necessary to pay all educational expenses incurred*
8 *by that person, including tuition, fees, cost of books, labora-*
9 *tory expenses, and expenses of room and board. The ex-*
10 *penses paid, however, shall be limited to those educational*
11 *expenses normally incurred by students at the institution*
12 *of higher education involved.*

13 “(d) *USE OF ASSISTANCE FOR SUPPORT OF INTERN-*
14 *SHIPS.—The financial assistance for a person under this*
15 *section may also be provided to support internship activi-*
16 *ties of the person at the Department of Defense in periods*
17 *between the academic years leading to the degree for which*
18 *assistance is provided the person under this section.*

19 “(e) *REFUND FOR PERIOD OF UNSERVED OBLIGATED*
20 *SERVICE.—(1) A person who voluntarily terminates service*
21 *before the end of the period of obligated service required*
22 *under an agreement entered into under subsection (b) shall*
23 *refund to the United States an amount determined by the*
24 *Secretary of Defense as being appropriate to obtain ade-*
25 *quate service in exchange for financial assistance and other-*

1 *wise to achieve the goals set forth in section 2200(a) of this*
2 *title.*

3 “(2) *An obligation to reimburse the United States im-*
4 *posed under paragraph (1) is for all purposes a debt owed*
5 *to the United States.*

6 “(3) *The Secretary of Defense may waive, in whole or*
7 *in part, a refund required under paragraph (1) if the Sec-*
8 *retary determines that recovery would be against equity*
9 *and good conscience or would be contrary to the best inter-*
10 *ests of the United States.*

11 “(f) *EFFECT OF DISCHARGE IN BANKRUPTCY.—A dis-*
12 *charge in bankruptcy under title 11 that is entered less than*
13 *5 years after the termination of an agreement under this*
14 *section does not discharge the person signing such agree-*
15 *ment from a debt arising under such agreement or under*
16 *subsection (e).*

17 “(g) *ALLOCATION OF FUNDING.—Not less than 50 per-*
18 *cent of the amount available for financial assistance under*
19 *this section for a fiscal year shall be available only for pro-*
20 *viding financial assistance for the pursuit of degrees re-*
21 *ferred to in subsection (a) at institutions of higher edu-*
22 *cation that have established, improved, or are admin-*
23 *istering programs of education in information assurance*
24 *under the grant program established in section 2200b of this*
25 *title, as determined by the Secretary of Defense.*

1 **“§ 2200b. Grant program**

2 “(a) *AUTHORITY.*—*The Secretary of Defense may pro-*
 3 *vide grants of financial assistance to institutions of higher*
 4 *education to support the establishment, improvement, or ad-*
 5 *ministration of programs of education in information as-*
 6 *surance disciplines referred to in section 2200(a) of this*
 7 *title.*

8 “(b) *PURPOSES.*—*The proceeds of grants under this*
 9 *section may be used by an institution of higher education*
 10 *for the following purposes:*

11 “(1) *Faculty development.*

12 “(2) *Curriculum development.*

13 “(3) *Laboratory improvements.*

14 “(4) *Faculty research in information security.*

15 **“§ 2200c. Centers of Academic Excellence in Informa-**
 16 ***tion Assurance Education***

17 “*In the selection of a recipient for the award of a schol-*
 18 *arship or grant under this chapter, consideration shall be*
 19 *given to whether—*

20 “(1) *in the case of a scholarship, the institution*
 21 *at which the recipient pursues a degree is a Center*
 22 *of Academic Excellence in Information Assurance*
 23 *Education; and*

24 “(2) *in the case of a grant, the recipient is a*
 25 *Center of Academic Excellence in Information Assur-*
 26 *ance Education.*

1 **“§ 2200d. Regulations**

2 *“The Secretary of Defense shall prescribe regulations*
3 *for the administration of this chapter.*

4 **“§ 2200e. Definitions**

5 *“In this chapter:*

6 *“(1) The term ‘information assurance’ includes*
7 *the following:*

8 *“(A) Computer security.*

9 *“(B) Network security.*

10 *“(C) Any other information technology that*
11 *the Secretary of Defense considers related to in-*
12 *formation assurance.*

13 *“(2) The term ‘institution of higher education’*
14 *has the meaning given the term in section 101 of the*
15 *Higher Education Act of 1965 (20 U.S.C. 1001).*

16 *“(3) The term ‘Center of Academic Excellence in*
17 *Information Assurance Education’ means an institu-*
18 *tion of higher education that is designated as a Cen-*
19 *ter of Academic Excellence in Information Assurance*
20 *Education by the Director of the National Security*
21 *Agency.*

22 **“§ 2200f. Inapplicability to Coast Guard**

23 *“This chapter does not apply to the Coast Guard when*
24 *it is not operating as a service in the Navy.”.*

25 (2) *The tables of chapters at the beginning of subtitle*
26 *A of title 10, United States Code, and the beginning of part*

1 *III of such subtitle are amended by inserting after the item*
 2 *relating to chapter 111 the following:*

“112. Information Security Scholarship Program 2200”.

3 (b) *FUNDING.*—*Of the amount authorized to be appro-*
 4 *priated under section 301(5), \$20,000,000 shall be available*
 5 *for carrying out chapter 112 of title 10, United States Code*
 6 *(as added by subsection (a)).*

7 (c) *REPORT.*—*Not later than April 1, 2001, the Sec-*
 8 *retary of Defense shall submit to the congressional defense*
 9 *committees a plan for implementing the programs under*
 10 *chapter 112 of title 10, United States Code.*

11 **SEC. 1043. PROCESS FOR PRIORITIZING BACKGROUND IN-**
 12 **VESTIGATIONS FOR SECURITY CLEARANCES**
 13 **FOR DEPARTMENT OF DEFENSE PERSONNEL.**

14 (a) *ESTABLISHMENT OF PROCESS.*—*Chapter 80 of*
 15 *title 10, United States Code, is amended by adding at the*
 16 *end the following:*

17 **“§ 1563. Security clearance investigations**

18 *“(a) EXPEDITED PROCESS.*—*The Secretary of Defense*
 19 *shall prescribe a process for expediting the completion of*
 20 *the background investigations necessary for granting secu-*
 21 *rity clearances for Department of Defense personnel who are*
 22 *engaged in sensitive duties that are critical to the national*
 23 *security.*

24 *“(b) REQUIRED FEATURES.*—*The process developed*
 25 *under subsection (a) shall provide for the following:*

1 “(1) *Quantification of the requirements for back-*
2 *ground investigations necessary for grants of security*
3 *clearances for Department of Defense personnel.*

4 “(2) *Categorization of personnel on the basis of*
5 *the degree of sensitivity of their duties and the extent*
6 *to which those duties are critical to the national secu-*
7 *rity.*

8 “(3) *Prioritization of the processing of back-*
9 *ground investigations on the basis of the categories of*
10 *personnel.*

11 “(c) *ANNUAL REVIEW.—The Secretary shall review,*
12 *each year, the process prescribed under subsection (a) and*
13 *shall revise it as determined necessary in relation to ongo-*
14 *ing Department of Defense missions.*

15 “(d) *CONSULTATION REQUIREMENT.—The Secretary*
16 *shall consult with the Secretaries of the military depart-*
17 *ments and the heads of Defense Agencies in carrying out*
18 *this section.*

19 “(e) *SENSITIVE DUTIES.—For the purposes of this sec-*
20 *tion, it is not necessary for the performance of duties to*
21 *involve classified activities or classified matters in order for*
22 *the duties to be considered sensitive and critical to the na-*
23 *tional security.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of such chapter is amended by adding at the*
 3 *end the following:*

“1563. Security clearance investigations.”.

4 **SEC. 1044. AUTHORITY TO WITHHOLD CERTAIN SENSITIVE**
 5 **INFORMATION FROM PUBLIC DISCLOSURE.**

6 (a) *IN GENERAL.*—*Chapter 3 of title 10, United States*
 7 *Code, is amended by inserting after section 130b the fol-*
 8 *lowing new section:*

9 **“§ 130c. Nondisclosure of information: certain sen-**
 10 **sitive information of foreign governments**
 11 **and international organizations**

12 “(a) *EXEMPTION FROM DISCLOSURE.*—*The national*
 13 *security official concerned (as defined in subsection (g))*
 14 *may withhold from public disclosure otherwise required by*
 15 *law sensitive information of foreign governments in accord-*
 16 *ance with this section.*

17 “(b) *INFORMATION ELIGIBLE FOR EXEMPTION.*—*For*
 18 *the purposes of this section, information is sensitive infor-*
 19 *mation of a foreign government only if the national security*
 20 *official concerned makes each of the following determina-*
 21 *tions with respect to the information:*

22 “(1) *That the information was provided by, oth-*
 23 *erwise made available by, or produced in cooperation*
 24 *with, a foreign government or international organiza-*
 25 *tion.*

1 “(2) That the foreign government or inter-
2 national organization is withholding the information
3 from public disclosure (relying for that determination
4 on the written representation of the foreign govern-
5 ment or international organization to that effect).

6 “(3) That any of the following conditions are
7 met:

8 “(A) The foreign government or inter-
9 national organization requests, in writing, that
10 the information be withheld.

11 “(B) The information was provided or
12 made available to the United States Government
13 on the condition that it not be released to the
14 public.

15 “(C) The information is an item of infor-
16 mation, or is in a category of information, that
17 the national security official concerned has speci-
18 fied in regulations prescribed under subsection
19 (f) as being information the release of which
20 would have an adverse effect on the ability of the
21 United States Government to obtain the same or
22 similar information in the future.

23 “(c) INFORMATION OF OTHER AGENCIES.—If the na-
24 tional security official concerned provides to the head of an-
25 other agency sensitive information of a foreign government,

1 *as determined by that national security official under sub-*
2 *section (b), and informs the head of the other agency of that*
3 *determination, then the head of the other agency shall with-*
4 *hold the information from any public disclosure unless that*
5 *national security official specifically authorizes the disclo-*
6 *sure.*

7 “(d) *LIMITATIONS.—(1) If a request for disclosure cov-*
8 *ers any sensitive information of a foreign government (as*
9 *described in subsection (b)) that came into the possession*
10 *or under the control of the United States Government before*
11 *the date of the enactment of the National Defense Authoriza-*
12 *tion Act for Fiscal Year 2001 and more than 25 years before*
13 *the request is received by an agency, the information may*
14 *be withheld only as set forth in paragraph (3).*

15 “(2)(A) *If a request for disclosure covers any sensitive*
16 *information of a foreign government (as described in sub-*
17 *section (b)) that came into the possession or under the con-*
18 *trol of the United States Government on or after the date*
19 *referred to in paragraph (1), the authority to withhold the*
20 *information under this section is subject to the provisions*
21 *of subparagraphs (B) and (C).*

22 “(B) *Information referred to in subparagraph (A) may*
23 *not be withheld under this section after—*

24 “(i) *the date that is specified by a foreign gov-*
25 *ernment or international organization in a request or*

1 *expression of a condition described in paragraph (1)*
2 *or (2) of subsection (b) that is made by the foreign*
3 *government or international organization concerning*
4 *the information; or*

5 *“(ii) if there are more than one such foreign gov-*
6 *ernments or international organizations, the latest*
7 *date so specified by any of them.*

8 *“(C) If no date is applicable under subparagraph (B)*
9 *to a request referred to in subparagraph (A) and the infor-*
10 *mation referred to in that subparagraph came into posses-*
11 *sion or under the control of the United States more than*
12 *10 years before the date on which the request is received*
13 *by an agency, the information may be withheld under this*
14 *section only as set forth in paragraph (3).*

15 *“(3) Information referred to in paragraph (1) or*
16 *(2)(C) may be withheld under this section in the case of*
17 *a request for disclosure only if, upon the notification of each*
18 *foreign government and international organization con-*
19 *cerned in accordance with the regulations prescribed under*
20 *subsection (g)(2), any such government or organization re-*
21 *quests in writing that the information not be disclosed for*
22 *an additional period stated in the request of that govern-*
23 *ment or organization. After the national security official*
24 *concerned considers the request of the foreign government*
25 *or international organization, the official shall designate a*

1 *later date as the date after which the information is not*
2 *to be withheld under this section. The later date may be*
3 *extended in accordance with a later request of any such for-*
4 *eign government or international organization under this*
5 *paragraph.*

6 “(e) *INFORMATION PROTECTED UNDER OTHER AU-*
7 *THORITY.*—*This section does not apply to information or*
8 *matters that are specifically required in the interest of na-*
9 *tional defense or foreign policy to be protected against un-*
10 *authorized disclosure under criteria established by an Exec-*
11 *utive order and are classified, properly, at the confidential,*
12 *secret, or top secret level pursuant to such Executive order.*

13 “(f) *DISCLOSURES NOT AFFECTED.*—*Nothing in this*
14 *section shall be construed to authorize any official to with-*
15 *hold, or to authorize the withholding of, information from*
16 *the following:*

17 “(1) *Congress.*

18 “(2) *The Comptroller General, unless the infor-*
19 *mation relates to activities that the President des-*
20 *ignates as foreign intelligence or counterintelligence*
21 *activities.*

22 “(g) *REGULATIONS.*—(1) *The national security offi-*
23 *cial referred to in subsection (h)(1) shall each prescribe reg-*
24 *ulations to carry out this section. The regulations shall in-*
25 *clude criteria for making the determinations required under*

1 subsection (b). The regulations may provide for controls on
2 access to and use of, and special markings and specific safe-
3 guards for, a category or categories of information subject
4 to this section.

5 “(2) The regulations shall include procedures for noti-
6 fying and consulting with each foreign government or inter-
7 national organization concerned about requests for disclo-
8 sure of information to which this section applies.

9 “(h) *DEFINITIONS.*—In this section:

10 “(1) The term ‘national security official con-
11 cerned’ means the following:

12 “(A) The Secretary of Defense, with respect
13 to information of concern to the Department of
14 Defense, as determined by the Secretary.

15 “(B) The Secretary of Transportation, with
16 respect to information of concern to the Coast
17 Guard, as determined by the Secretary, but only
18 while the Coast Guard is not operating as a
19 service in the Navy.

20 “(C) The Secretary of Energy, with respect
21 to information concerning the national security
22 programs of the Department of Energy, as deter-
23 mined by the Secretary.

24 “(2) The term ‘agency’ has the meaning given
25 that term in section 552(f) of title 5.

1 “(3) The term ‘international organization’
2 means the following:

3 “(A) A public international organization
4 designated pursuant to section 1 of the Inter-
5 national Organizations Immunities Act (59
6 Stat. 669; 22 U.S.C. 288) as being entitled to
7 enjoy the privileges, exemptions, and immunities
8 provided in such Act.

9 “(B) A public international organization
10 created pursuant to a treaty or other inter-
11 national agreement as an instrument through or
12 by which two or more foreign governments en-
13 gage in some aspect of their conduct of inter-
14 national affairs.

15 “(C) An official mission, except a United
16 States mission, to a public international organi-
17 zation referred to in subparagraph (A) or (B).”.

18 (b) CLERICAL AMENDMENT.—The table of sections at
19 the beginning of such chapter is amended by inserting after
20 the item relating to section 130b the following new item:

 “130c. Nondisclosure of information: certain sensitive information of foreign gov-
 ernments and international organizations.”.

1 **SEC. 1045. PROTECTION OF OPERATIONAL FILES OF THE**
 2 **DEFENSE INTELLIGENCE AGENCY.**

3 (a) *AUTHORITY.*—Subchapter I of chapter 21 of title
 4 10, United States Code, is amended by adding at the end
 5 the following:

6 **“§426. Protection of sensitive information: oper-**
 7 **ational files of the Defense Intelligence**
 8 **Agency**

9 “(a) *AUTHORITY TO WITHHOLD OPERATIONAL*
 10 *FILES.*—The Secretary of Defense may withhold from pub-
 11 lic disclosure operational files described in subsection (b)
 12 to the same extent that operational files may be withheld
 13 under section 701 of the National Security Act of 1947 (50
 14 U.S.C. 431), subject to judicial review under the same cir-
 15 cumstances and to the same extent as is provided in sub-
 16 section (f) of such section.

17 “(b) *DECENNIAL REVIEW OF EXEMPTED OPER-*
 18 *ATIONAL FILES.*—Section 702 of the National Security Act
 19 of 1947 (50 U.S.C. 432), setting forth requirements for de-
 20 cennial review of exemptions from public disclosure and re-
 21 lated provisions for judicial review shall apply with respect
 22 to the exemptions from public disclosure that are in force
 23 under subsection (a), subject to the following requirements:

24 “(1) *The Secretary of Defense shall conduct the*
 25 *decennial review under this subsection.*

1 “(2) *In the application of the judicial review*
 2 *provisions under subsection (c) of such section 702—*

3 “(A) *the references to the Central Intel-*
 4 *ligence Agency shall be deemed to refer to the*
 5 *Secretary of Defense; and*

6 “(B) *the reference in paragraph (1) of that*
 7 *subsection to the period for the first review shall*
 8 *be deemed to refer to the 10-year period begin-*
 9 *ning on the day after the date of the enactment*
 10 *of the National Defense Authorization Act for*
 11 *Fiscal Year 2001.*

12 “(c) *OPERATIONAL FILES DEFINED.—In this section,*
 13 *the term ‘operational files’ has the meaning given that term*
 14 *in section 701(b) of the National Security Act of 1947 (50*
 15 *U.S.C. 431(b)), except that the references to elements of the*
 16 *Central Intelligence Agency do not apply.’”.*

17 (b) *CLERICAL AMENDMENT.—The table of sections at*
 18 *the beginning of such subchapter is amended by adding at*
 19 *the end the following:*

“426. Protection of sensitive information: operational files of the Defense Intel-
ligence Agency.”.

20 ***Subtitle F—Other Matters***

21 ***SEC. 1051. COMMEMORATION OF THE FIFTIETH ANNIVER-***
 22 ***SARY OF THE UNIFORM CODE OF MILITARY***
 23 ***JUSTICE.***

24 (a) *FINDINGS.—Congress makes the following findings:*

1 (1) *The American military justice system pre-*
2 *dates the United States itself, having had a contin-*
3 *uous existence since the enactment of the first Amer-*
4 *ican Articles of War by the Continental Congress in*
5 *1775.*

6 (2) *Pursuant to article I of the Constitution,*
7 *which explicitly empowers Congress “To make Rules*
8 *for the Government and Regulation of the land and*
9 *naval Forces”, Congress enacted the Articles of War*
10 *and an Act to Govern the Navy, which were revised*
11 *on several occasions between the ratification of the*
12 *Constitution and the end of World War II.*

13 (3) *Dissatisfaction with the administration of*
14 *military justice in World War I and World War II*
15 *led both to significant statutory reforms in the Arti-*
16 *cles of War and to the convening of a committee,*
17 *under Department of Defense auspices, to draft a uni-*
18 *form code of military justice applicable to all of the*
19 *Armed Forces.*

20 (4) *The committee, chaired by Professor Edmund*
21 *M. Morgan of Harvard Law School, made rec-*
22 *ommendations that formed the basis of bills intro-*
23 *duced in Congress to establish such a uniform code of*
24 *military justice.*

1 (5) *After lengthy hearings and debate on the con-*
2 *gressional proposals, the Uniform Code of Military*
3 *Justice was enacted into law on May 5, 1950, when*
4 *President Harry S. Truman signed the legislation.*

5 (6) *President Truman then issued a revised*
6 *Manual for Courts-Martial implementing the new*
7 *code, and the code became effective on May 31, 1951.*

8 (7) *One of the greatest innovations of the Uni-*
9 *form Code of Military Justice was the establishment*
10 *of a civilian court of appeals within the military jus-*
11 *tice system. That court, the United States Court of*
12 *Military Appeals (now the United States Court of*
13 *Appeals for the Armed Forces), held its first session*
14 *on July 25, 1951.*

15 (8) *Congress enacted major revisions of the Uni-*
16 *form Code of Military Justice in 1968 and 1983 and,*
17 *in addition, has amended the code from time to time*
18 *over the years as practice under the code indicated a*
19 *need for updating the substance or procedure of the*
20 *law of military justice.*

21 (9) *The evolution of the system of military jus-*
22 *tice under the Uniform Code of Military Justice may*
23 *be traced in the decisions of the Courts of Criminal*
24 *Appeals of each of the Armed Forces and the decisions*
25 *of the United States Court of Appeals for the Armed*

1 *Forces. These courts have produced a unique body of*
 2 *jurisprudence upon which commanders and judge ad-*
 3 *vocates rely in the performance of their duties.*

4 *(10) It is altogether fitting that the fiftieth anni-*
 5 *versary of the Uniform Code of Military Justice be*
 6 *duly commemorated.*

7 **(b) COMMEMORATION.—The Congress—**

8 *(1) requests the President to issue a proclama-*
 9 *tion commemorating the fiftieth anniversary of the*
 10 *Uniform Code of Military Justice; and*

11 *(2) calls upon the Department of Defense, the*
 12 *Armed Forces, and the United States Court of Ap-*
 13 *peals for the Armed Forces to commemorate the occa-*
 14 *sion with ceremonies and activities befitting its im-*
 15 *portance.*

16 **SEC. 1052. TECHNICAL CORRECTIONS.**

17 **(a) THRESHOLD DATE FOR EFFECTIVENESS OF**
 18 **AGREEMENTS TO MAKE AN SBP ELECTION.—***(1) Section*
 19 *657(a)(1)(A) of the National Defense Authorization Act for*
 20 *Fiscal Year 2000 (Public Law 106–65; 113 Stat. 668; 10*
 21 *U.S.C. 1450 note) is amended by striking “August 21,*
 22 *1983” and inserting “August 19, 1983”.*

23 *(2) The amendment made by paragraph (1) shall take*
 24 *effect as of October 5, 1999, and shall apply as if included*
 25 *in section 657(a)(1)(A) of Public Law 106–65 on that date.*

1 (b) *STATE OF INCORPORATION OF FLEET RESERVE*
 2 *ASSOCIATION.*—Sections 70102(a) and 70108(a) of title 36,
 3 *United States Code*, are amended by striking “Delaware”
 4 and inserting “Pennsylvania”.

5 **SEC. 1053. ELIGIBILITY OF DEPENDENTS OF AMERICAN RED**
 6 **CROSS EMPLOYEES FOR ENROLLMENT IN DE-**
 7 **PARTMENT OF DEFENSE DOMESTIC DEPEND-**
 8 **ENT SCHOOLS IN PUERTO RICO.**

9 Section 2164 of title 10, *United States Code*, is amend-
 10 ed by adding at the end the following:

11 “(i) *AMERICAN RED CROSS EMPLOYEE DEPENDENTS*
 12 *IN PUERTO RICO.*—(1) *The Secretary of Defense may au-*
 13 *thorize a dependent of an employee of the American Red*
 14 *Cross performing armed forces emergency services in Puerto*
 15 *Rico to enroll in an educational program provided by the*
 16 *Secretary pursuant to subsection (a) in Puerto Rico.*

17 “(2) *In determining the dependency status of any per-*
 18 *son for the purposes of paragraph (1), the Secretary shall*
 19 *apply the same definitions as apply to the determination*
 20 *of such status with respect to Federal employees in the ad-*
 21 *ministration of this section.*

22 “(3) *The Secretary shall be paid for the educational*
 23 *services and related items provided to a student under para-*
 24 *graph (1). To determine the amount for educational serv-*
 25 *ices, the Secretary shall allocate to the student a share, con-*

1 *sidered appropriate by the Secretary, of the costs of pro-*
 2 *viding the educational program in which the student is en-*
 3 *rolled. The Secretary shall enter into such agreements or*
 4 *take such other actions as the Secretary determines nec-*
 5 *essary to ensure that the payments required under this*
 6 *paragraph are made.”.*

7 **SEC. 1054. GRANTS TO AMERICAN RED CROSS FOR ARMED**
 8 **FORCES EMERGENCY SERVICES.**

9 (a) *GRANTS AUTHORIZED.*—The Secretary of Defense
 10 may, subject to subsection (b), make a grant to the Amer-
 11 ican Red Cross of up to \$9,400,000 in each of fiscal years
 12 2001, 2002, and 2003 for the support of the Armed Forces
 13 Emergency Services program of the American Red Cross.

14 (b) *MATCHING REQUIREMENT.*—A grant may not be
 15 made for a fiscal year under subsection (a) until the Sec-
 16 retary receives from the American Red Cross a certification
 17 providing assurances satisfactory to the Secretary that the
 18 American Red Cross will expend for the Armed Forces
 19 Emergency Services program for that fiscal year funds, de-
 20 rived from sources other than the Federal Government, in
 21 a total amount that equals or exceeds the amount of the
 22 grant.

23 (c) *FUNDING.*—Of the amount authorized to be appro-
 24 priated by section 301 for operation and maintenance for

1 *Defense-wide activities, \$9,400,000 shall be available for*
2 *grants made under this section.*

3 **SEC. 1055. TRANSIT PASS PROGRAM FOR CERTAIN DEPART-**
4 **MENT OF DEFENSE PERSONNEL.**

5 *(a) ESTABLISHMENT OF PROGRAM.—To encourage De-*
6 *partment of Defense personnel in areas described in sub-*
7 *section (b) to use means other than single-occupancy motor*
8 *vehicles to commute to or from work, the Secretary of De-*
9 *fense shall exercise the authority provided in section 7905*
10 *of title 5, United States Code, to establish a program to*
11 *provide the personnel in such areas with a transit pass ben-*
12 *efit under subsection (b)(2)(A) of such section.*

13 *(b) COVERED AREAS.—The Secretary shall establish*
14 *the program required by subsection (a) in the areas which*
15 *do not meet the revised national ambient air quality stand-*
16 *ards under section 109 of the Clean Air Act (42 U.S.C.*
17 *7409).*

18 *(c) TIME FOR IMPLEMENTATION.—The Secretary shall*
19 *prescribe the effective date for the program required under*
20 *subsection (a). The effective date so prescribed may not be*
21 *later than the first day of the first month that begins on*
22 *or after the date that is 180 days after the date of the enact-*
23 *ment of this Act.*

1 **SEC. 1056. FEES FOR PROVIDING HISTORICAL INFORMA-**
2 **TION TO THE PUBLIC.**

3 (a) *ARMY.*—(1) Chapter 437 of title 10, United States
4 Code, is amended by adding at the end the following:

5 **“§4595. Army Military History Institute: fee for pro-**
6 **viding historical information to the pub-**
7 **lic**

8 “(a) *AUTHORITY.*—Except as provided in subsection
9 (b), the Secretary of the Army may charge a person a fee
10 for providing the person with information from the United
11 States Army Military History Institute that is requested
12 by that person.

13 “(b) *EXCEPTIONS.*—A fee may not be charged under
14 this section—

15 “(1) to a person for information that the person
16 requests to carry out a duty as a member of the
17 armed forces or an officer or employee of the United
18 States; or

19 “(2) for a release of information under section
20 552 of title 5.

21 “(c) *LIMITATION ON AMOUNT.*—A fee charged for pro-
22 viding information under this section may not exceed the
23 cost of providing the information.

24 “(d) *RETENTION OF FEES.*—Amounts received under
25 subsection (a) for providing information in any fiscal year
26 shall be credited to the appropriation or appropriations

1 *charged the costs of providing information to the public*
 2 *from the United States Army Military History Institute*
 3 *during that fiscal year.*

4 “(e) *DEFINITIONS.—In this section:*

5 “(1) *The term ‘United States Army Military*
 6 *History Institute’ means the archive for historical*
 7 *records and materials of the Army that the Secretary*
 8 *of the Army designates as the primary archive for*
 9 *such records and materials.*

10 “(2) *The terms ‘officer of the United States’ and*
 11 *‘employee of the United States’ have the meanings*
 12 *given the terms ‘officer’ and ‘employee’, respectively,*
 13 *in sections 2104 and 2105, respectively, of title 5.”.*

14 (2) *The table of sections at the beginning of such chap-*
 15 *ter is amended by adding at the end the following:*

*“4595. Army Military History Institute: fee for providing historical information
 to the public.”.*

16 (b) *NAVY.—(1) Chapter 649 of such title 10 is amended*
 17 *by adding at the end the following new section:*

18 **“§ 7582. Naval and Marine Corps Historical Centers:**
 19 ***fee for providing historical information to***
 20 ***the public***

21 “(a) *AUTHORITY.—Except as provided in subsection*
 22 *(b), the Secretary of the Navy may charge a person a fee*
 23 *for providing the person with information from the United*

1 *States Naval Historical Center or the Marine Corps Histor-*
2 *ical Center that is requested by that person.*

3 “(b) *EXCEPTIONS.*—*A fee may not be charged under*
4 *this section—*

5 “(1) *to a person for information that the person*
6 *requests to carry out a duty as a member of the*
7 *armed forces or an officer or employee of the United*
8 *States; or*

9 “(2) *for a release of information under section*
10 *552 of title 5.*

11 “(c) *LIMITATION ON AMOUNT.*—*A fee charged for pro-*
12 *viding information under this section may not exceed the*
13 *cost of providing the information.*

14 “(d) *RETENTION OF FEES.*—*Amounts received under*
15 *subsection (a) for providing information from the United*
16 *States Naval Historical Center or the Marine Corps Histor-*
17 *ical Center in any fiscal year shall be credited to the appro-*
18 *priation or appropriations charged the costs of providing*
19 *information to the public from that historical center during*
20 *that fiscal year.*

21 “(e) *DEFINITIONS.*—*In this section:*

22 “(1) *The term ‘United States Naval Historical*
23 *Center’ means the archive for historical records and*
24 *materials of the Navy that the Secretary of the Navy*

1 *designates as the primary archive for such records*
2 *and materials.*

3 “(2) *The term ‘Marine Corps Historical Center’*
4 *means the archive for historical records and materials*
5 *of the Marine Corps that the Secretary of the Navy*
6 *designates as the primary archive for such records*
7 *and materials.*

8 “(3) *The terms ‘officer of the United States’ and*
9 *‘employee of the United States’ have the meanings*
10 *given the terms ‘officer’ and ‘employee’, respectively,*
11 *in sections 2104 and 2105, respectively, of title 5.”.*

12 (2) *The heading of such chapter is amended by striking*
13 **“RELATED”**.

14 (3)(A) *The table of sections at the beginning of such*
15 *chapter is amended by adding at the end the following new*
16 *item:*

*“7582. Naval and Marine Corps Historical Centers: fee for providing historical
information to the public.”.*

17 (B) *The item relating to such chapter in the tables of*
18 *chapters at the beginning of subtitle C of title 10, United*
19 *States Code, and the beginning of part IV of such subtitle*
20 *is amended by striking out “Related”.*

21 (c) *AIR FORCE.—(1) Chapter 937 of title 10, United*
22 *States Code, is amended by adding at the end the following*
23 *new section:*

1 **“§9594. Air Force Military History Institute: fee for**
2 **providing historical information to the**
3 **public**

4 “(a) *AUTHORITY.*—Except as provided in subsection
5 (b), the Secretary of the Air Force may charge a person
6 a fee for providing the person with information from the
7 United States Air Force Military History Institute that is
8 requested by that person.

9 “(b) *EXCEPTIONS.*—A fee may not be charged under
10 this section—

11 “(1) to a person for information that the person
12 requests to carry out a duty as a member of the
13 armed forces or an officer or employee of the United
14 States; or

15 “(2) for a release of information under section
16 552 of title 5.

17 “(c) *LIMITATION ON AMOUNT.*—A fee charged for pro-
18 viding information under this section may not exceed the
19 cost of providing the information.

20 “(d) *RETENTION OF FEES.*—Amounts received under
21 subsection (a) for providing information in any fiscal year
22 shall be credited to the appropriation or appropriations
23 charged the costs of providing information to the public
24 from the United States Air Force Military History Institute
25 during that fiscal year.

26 “(e) *DEFINITIONS.*—In this section:

1 “(1) *The term ‘United States Air Force Military*
 2 *History Institute’ means the archive for historical*
 3 *records and materials of the Air Force that the Sec-*
 4 *retary of the Air Force designates as the primary ar-*
 5 *chive for such records and materials.*

6 “(2) *The terms ‘officer of the United States’ and*
 7 *‘employee of the United States’ have the meanings*
 8 *given the terms ‘officer’ and ‘employee’, respectively,*
 9 *in sections 2104 and 2105, respectively, of title 5.”.*

10 *(2) The table of sections at the beginning of such chap-*
 11 *ter is amended by adding at the end the following new item:*

“9594. Air Force Military History Institute: fee for providing historical informa-
tion to the public.”.

12 **SEC. 1057. ACCESS TO CRIMINAL HISTORY RECORD INFOR-**
 13 **MATION FOR NATIONAL SECURITY PUR-**
 14 **POSES.**

15 *(a) CONDITIONS FOR AVAILABILITY OF INFORMA-*
 16 *TION.—Subsection (b) of section 9101 of title 5, United*
 17 *States Code, is amended—*

18 *(1) by striking paragraph (3);*

19 *(2) by redesignating paragraph (2) as para-*
 20 *graph (4);*

21 *(3) in paragraph (1)—*

22 *(A) in the first sentence—*

1 (i) by inserting “the Department of
2 Transportation,” after “the Department of
3 State,”; and

4 (ii) by inserting “the following:” after
5 “eligibility for”; and

6 (B) by striking “(A) access to classified in-
7 formation” and all that follows through the end
8 of the paragraph and inserting the following:

9 “(A) Access to classified information.

10 “(B) Assignment to or retention in sensitive na-
11 tional security duties.

12 “(C) Acceptance or retention in the armed forces.

13 “(D) Appointment, retention, or assignment to a
14 position of public trust or a critical or sensitive posi-
15 tion while either employed by the Federal Government
16 or performing a Federal Government contract.

17 “(2) If the criminal justice agency possesses the capa-
18 bility to provide automated criminal history record infor-
19 mation based on a search of its records by name and other
20 common identifiers, the agency shall provide the requester
21 with full criminal history record information for individ-
22 uals who meet the matching criteria.

23 “(3) Fees, if any, charged for providing criminal his-
24 tory record information pursuant to this subsection may

1 *not exceed the reasonable cost of providing such information*
2 *through an automated name search.”; and*

3 *(4) by adding at the end the following:*

4 *“(5) A criminal justice agency may not require, as a*
5 *condition for the release of criminal history record informa-*
6 *tion under this subsection, that any official of a department*
7 *or agency named in paragraph (1) enter into an agreement*
8 *with a State or local government to indemnify and hold*
9 *harmless the State or locality for damages, costs, or other*
10 *monetary loss arising from the disclosure or use by that*
11 *department or agency of criminal history record informa-*
12 *tion obtained from the State or local government pursuant*
13 *to this subsection.”.*

14 *(b) USE OF AUTOMATED INFORMATION DELIVERY SYS-*
15 *TEMS.—Such section is further amended—*

16 *(1) by redesignating subsection (e) as subsection*
17 *(f); and*

18 *(2) by inserting after subsection (d) the following*
19 *new subsection (e):*

20 *“(e)(1) Automated information delivery systems shall*
21 *be used to provide criminal history record information a*
22 *department or agency under subsection (b) whenever avail-*
23 *able.*

1 “(2) *Fees, if any, charged for automated access through*
 2 *such systems may not exceed the reasonable cost of pro-*
 3 *viding such access.*

4 “(3) *The criminal justice agency providing the crimi-*
 5 *nal history record information through such systems may*
 6 *not limit disclosure on the basis that the repository is*
 7 *accessed from outside the State.*

8 “(4) *Information provided through such systems shall*
 9 *be the full and complete criminal history record.*

10 “(5) *Criminal justice agencies shall accept and re-*
 11 *spond to requests for criminal history record information*
 12 *through such systems with printed or photocopied records*
 13 *when requested.”.*

14 **SEC. 1058. SENSE OF CONGRESS ON THE NAMING OF THE**
 15 **CVN-77 AIRCRAFT CARRIER.**

16 (a) *FINDINGS.*—Congress makes the following findings:

17 (1) *Over the last three decades Congress has au-*
 18 *thorized and appropriated funds for a total of 10*
 19 *“NIMITZ” class aircraft carriers.*

20 (2) *The last vessel in the “NIMITZ” class of air-*
 21 *craft carriers, CVN-77, is currently under construc-*
 22 *tion and will be delivered in 2008.*

23 (3) *The first nine vessels in this class bear the*
 24 *following proud names:*

25 (A) *U.S.S. Nimitz (CVN-68).*

1 (B) *U.S.S. Dwight D. Eisenhower* (CVN–
2 69).

3 (C) *U.S.S. Carl Vinson* (CVN–70).

4 (D) *U.S.S. Theodore Roosevelt* (CVN–71).

5 (E) *U.S.S. Abraham Lincoln* (CVN–72).

6 (F) *U.S.S. George Washington* (CVN–73).

7 (G) *U.S.S. John C. Stennis* (CVN–74).

8 (H) *U.S.S. Harry S. Truman* (CVN–75).

9 (I) *U.S.S. Ronald Reagan* (CVN–76).

10 (4) *It is appropriate for Congress to recommend*
11 *to the President, as Commander in Chief of the*
12 *Armed Forces, an appropriate name for the final ves-*
13 *sel in the “NIMITZ” class of aircraft carriers.*

14 (5) *Over the last 25 years the vessels in the*
15 *“NIMITZ” class of aircraft carriers have served as*
16 *one of the principal means of United States diplo-*
17 *macy and as one of the principal means for the de-*
18 *fense of the United States and our allies around the*
19 *world.*

20 (6) *The name bestowed upon aircraft carrier*
21 *CVN–77 should embody the American spirit and pro-*
22 *vide a lasting symbol of the American commitment to*
23 *freedom.*

1 (7) *The name “Lexington” has been a symbol of*
2 *freedom from the first battle of the American Revolu-*
3 *tion.*

4 (8) *The two aircraft carriers previously named*
5 *U.S.S. Lexington (the CV-2 and the CV-16) served*
6 *our Nation for 64 years, served in World War II, and*
7 *earned 13 battle stars.*

8 (9) *One of those honored vessels, the CV-2, was*
9 *lost after having given gallant fight at the Battle of*
10 *Coral Sea in 1942.*

11 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
12 *that the CVN-77 aircraft carrier should be named the*
13 *“U.S.S. Lexington”—*

14 (1) *in order to honor the men and women who*
15 *served in the Armed Forces of the United States dur-*
16 *ing World War II, and the incalculable number of*
17 *United States citizens on the home front during that*
18 *war, who mobilized in the name of freedom, and who*
19 *are today respectfully referred to as the “Greatest*
20 *Generation”;* and

21 (2) *as a special tribute to the 16,000,000 vet-*
22 *erans of the Armed Forces who served on land, sea,*
23 *and air during World War II (of whom less than*
24 *6,000,000 remain alive today) and a lasting symbol*

1 *of their commitment to freedom as they pass on hav-*
2 *ing proudly taken their place in history.*

3 **SEC. 1059. DONATION OF CIVIL WAR CANNON.**

4 *(a) AUTHORITY.—The Secretary of the Army shall*
5 *convey all right, title, and interest of the United States in*
6 *and to the Civil War era cannon described in subsection*
7 *(b) to the Edward Dorr Tracey, Jr. Camp 18 of the Sons*
8 *of the Confederate Veterans.*

9 *(b) PROPERTY TO BE CONVEYED.—The cannon re-*
10 *ferred to in subsection (a) is a 12-pounder Napoleon cannon*
11 *bearing the following markings:*

12 *(1) On the top: “CS”.*

13 *(2) On the face of the muzzle: “Macon Arsenal,*
14 *1864/No.41/1164 ET”.*

15 *(3) On the right trunnion: “Macon Arsenal*
16 *GEO/1864/No.41/WT.1164/E.T.”.*

17 *(c) CONSIDERATION.—No consideration may be re-*
18 *quired by the Secretary for the conveyance of the cannon*
19 *under this section.*

20 *(d) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
21 *retary may require such additional terms and conditions*
22 *in connection with the conveyance under this section as the*
23 *Secretary considers appropriate to protect the interests of*
24 *the United States.*

1 (e) *RELATIONSHIP TO OTHER LAW.*—*The conveyance*
 2 *required under this section may be carried out without re-*
 3 *gard to the Act entitled “An Act for the preservation of*
 4 *American antiquities”, approved June 8, 1906 (34 Stat.*
 5 *225; 16 U.S.C. 431 et seq.), popularly referred to as the*
 6 *“Antiquities Act of 1906”.*

7 **SEC. 1060. MAXIMUM SIZE OF PARCEL POST PACKAGES**
 8 **TRANSPORTED OVERSEAS FOR ARMED**
 9 **FORCES POST OFFICES.**

10 Section 3401(b) of title 39, United States Code, is
 11 amended by striking “100 inches in length and girth com-
 12 bined” in paragraphs (2) and (3) and inserting “the max-
 13 imum size allowed by the Postal Service for fourth class
 14 parcel post (known as ‘Standard Mail (B)’”.

15 **SEC. 1061. AEROSPACE INDUSTRY BLUE RIBBON COMMIS-**
 16 **SION.**

17 (a) *FINDINGS.*—*Congress makes the following findings:*

18 (1) *The United States aerospace industry, com-*
 19 *posed of manufacturers of commercial, military, and*
 20 *business aircraft, helicopters, aircraft engines, mis-*
 21 *siles, spacecraft, materials, and related components*
 22 *and equipment, has a unique role in the economic*
 23 *and national security of our Nation.*

1 (2) *In 1999, the aerospace industry continued to*
2 *produce, at \$37,000,000,000, the largest trade surplus*
3 *of any industry in the United States economy.*

4 (3) *The United States aerospace industry em-*
5 *plloys 800,000 Americans in highly skilled positions*
6 *associated with manufacturing aerospace products.*

7 (4) *United States aerospace technology is pre-*
8 *eminent in the global marketplace for both defense*
9 *and commercial products.*

10 (5) *History since World War I has demonstrated*
11 *that a superior aerospace capability usually deter-*
12 *mines victory in military operations and that a ro-*
13 *bust, technically innovative aerospace capability will*
14 *be essential for maintaining United States military*
15 *superiority in the 21st century.*

16 (6) *Federal Government policies concerning in-*
17 *vestment in aerospace research and development and*
18 *procurement, controls on the export of services and*
19 *goods containing advanced technologies, and other as-*
20 *pects of the Government-industry relationship will*
21 *have a critical impact on the ability of the United*
22 *States aerospace industry to retain its position of*
23 *global leadership.*

24 (7) *Recent trends in investment in aerospace re-*
25 *search and development, in changes in global aero-*

1 space market share, and in the development of com-
2 petitive, non-United States aerospace industries could
3 undermine the future role of the United States aero-
4 space industry in the national economy and in the se-
5 curity of the Nation.

6 (8) *Because the United States aerospace industry*
7 *stands at an historical crossroads, it is advisable for*
8 *the President and Congress to appoint a blue ribbon*
9 *commission to assess the future of the industry and*
10 *to make recommendations for Federal Government ac-*
11 *tions to ensure United States preeminence in aero-*
12 *space in the 21st century.*

13 (b) *ESTABLISHMENT.—There is established a Blue*
14 *Ribbon Commission on the Future of the United States*
15 *Aerospace Industry.*

16 (c) *MEMBERSHIP.—(1) The Commission shall be com-*
17 *posed of 12 members appointed, not later than March 1,*
18 *2001, as follows:*

19 (A) *Up to 6 members appointed by the Presi-*
20 *dent.*

21 (B) *Two members appointed by the Majority*
22 *Leader of the Senate.*

23 (C) *Two members appointed by the Speaker of*
24 *the House of Representatives.*

1 (D) One member appointed by the Minority
2 Leader of the Senate.

3 (E) One member appointed by the Minority
4 Leader of the House of Representatives.

5 (2) The members of the Commission shall be appointed
6 from among—

7 (A) persons with extensive experience and na-
8 tional reputations in aerospace manufacturing, eco-
9 nomics, finance, national security, international
10 trade or foreign policy; and

11 (B) persons who are representative of labor orga-
12 nizations associated with the aerospace industry.

13 (3) Members shall be appointed for the life of the Com-
14 mission. Any vacancy in the Commission shall not affect
15 its powers, but shall be filled in the same manner as the
16 original appointment.

17 (4) The President shall designate one member of the
18 Commission to serve as the Chairman.

19 (5) The Commission shall meet at the call of the Chair-
20 man. A majority of the members shall constitute a quorum,
21 but a lesser number may hold hearings for the Commission.

22 (d) DUTIES.—(1) The Commission shall—

23 (A) study the issues associated with the future of
24 the United States aerospace industry in the global

1 *economy, particularly in relationship to United*
2 *States national security; and*

3 *(B) assess the future importance of the domestic*
4 *aerospace industry for the economic and national se-*
5 *curity of the United States.*

6 *(2) In order to fulfill its responsibilities, the Commis-*
7 *sion shall study the following:*

8 *(A) The budget process of the Federal Govern-*
9 *ment, particularly with a view to assessing the ade-*
10 *quacy of projected budgets of the Federal Government*
11 *agencies for aerospace research and development and*
12 *procurement.*

13 *(B) The acquisition process of the Federal Gov-*
14 *ernment, particularly with a view to assessing—*

15 *(i) the adequacy of the current acquisition*
16 *process of Federal agencies; and*

17 *(ii) the procedures for developing and field-*
18 *ing aerospace systems incorporating new tech-*
19 *nologies in a timely fashion.*

20 *(C) The policies, procedures, and methods for the*
21 *financing and payment of government contracts.*

22 *(D) Statutes and regulations governing inter-*
23 *national trade and the export of technology, particu-*
24 *larly with a view to assessing—*

1 *(i) the extent to which the current system*
2 *for controlling the export of aerospace goods,*
3 *services, and technologies reflects an adequate*
4 *balance between the need to protect national se-*
5 *curity and the need to ensure unhindered access*
6 *to the global marketplace; and*

7 *(ii) the adequacy of United States and mul-*
8 *tilateral trade laws and policies for maintaining*
9 *the international competitiveness of the United*
10 *States aerospace industry.*

11 *(E) Policies governing taxation, particularly*
12 *with a view to assessing the impact of current tax*
13 *laws and practices on the international competitive-*
14 *ness of the aerospace industry.*

15 *(F) Programs for the maintenance of the na-*
16 *tional space launch infrastructure, particularly with*
17 *a view to assessing the adequacy of current and pro-*
18 *jected programs for maintaining the national space*
19 *launch infrastructure.*

20 *(G) Programs for the support of science and en-*
21 *gineering education, including current programs for*
22 *supporting aerospace science and engineering efforts*
23 *at institutions of higher learning, with a view to de-*
24 *termining the adequacy of those programs.*

1 (e) *REPORT.*—(1) *Not later than March 1, 2002, the*
2 *Commission shall submit a report on its activities to the*
3 *President and Congress.*

4 (2) *The report shall include the following:*

5 (A) *The Commission’s findings and conclusions.*

6 (B) *Recommendations for actions by Federal*
7 *Government agencies to support the maintenance of a*
8 *robust aerospace industry in the United States in the*
9 *21st century.*

10 (C) *A discussion of the appropriate means for*
11 *implementing the recommendations.*

12 (f) *IMPLEMENTATION OF RECOMMENDATIONS.*—*The*
13 *heads of the executive agencies of the Federal Government*
14 *having responsibility for matters covered by recommenda-*
15 *tions of the Commission shall consider the implementation*
16 *of those recommendations in accordance with regular ad-*
17 *ministrative procedures. The Director of the Office of Man-*
18 *agement and Budget shall coordinate the consideration of*
19 *the recommendations among the heads of those agencies.*

20 (g) *ADMINISTRATIVE REQUIREMENTS AND AUTHORI-*
21 *TIES.*—(1) *The Director of the Office of Management and*
22 *Budget shall ensure that the Commission is provided such*
23 *administrative services, facilities, staff, and other support*
24 *services as may be necessary. Any expenses of the Commis-*
25 *sion shall be paid from funds available to the Director.*

1 (2) *The Commission may hold hearings, sit and act*
2 *at times and places, take testimony, and receive evidence*
3 *that the Commission considers advisable to carry out the*
4 *purposes of this Act.*

5 (3) *The Commission may secure directly from any de-*
6 *partment or agency of the Federal Government any infor-*
7 *mation that the Commission considers necessary to carry*
8 *out the provisions of this Act. Upon the request of the Chair-*
9 *man of the Commission, the head of such department or*
10 *agency shall furnish such information to the Commission.*

11 (4) *The Commission may use the United States mails*
12 *in the same manner and under the same conditions as other*
13 *departments and agencies of the Federal Government.*

14 (5) *The Commission is an advisory committee for the*
15 *purposes of the Federal Advisory Committee Act (5 U.S.C.*
16 *App. 2).*

17 (h) *COMMISSION PERSONNEL MATTERS.—(1) Members*
18 *of the Commission shall serve without additional compensa-*
19 *tion for their service on the Commission, except that mem-*
20 *bers appointed from among private citizens may be allowed*
21 *travel expenses, including per diem in lieu of subsistence,*
22 *as authorized by law for persons serving intermittently in*
23 *government service under subchapter I of chapter 57 of title*
24 *5, United States Code, while away from their homes and*

1 *places of business in the performance of services for the*
2 *Commission.*

3 (2) *The Chairman of the Commission may, without*
4 *regard to the civil service laws and regulations, appoint*
5 *and terminate any staff that may be necessary to enable*
6 *the Commission to perform its duties. The employment of*
7 *a head of staff shall be subject to confirmation by the Com-*
8 *mission. The Chairman may fix the compensation of the*
9 *staff personnel without regard to the provisions of chapter*
10 *51 and subchapter III of chapter 53 of title 5, United States*
11 *Code, relating to classification of positions and General*
12 *Schedule pay rates, except that the rates of pay fixed by*
13 *the Chairman shall be in compliance with the guidelines*
14 *prescribed under section 7(d) of the Federal Advisory Com-*
15 *mittee Act.*

16 (3) *Any Federal Government employee may be detailed*
17 *to the Commission without reimbursement. Any such detail*
18 *shall be without interruption or loss of civil status or privi-*
19 *lege.*

20 (4) *The Chairman may procure temporary and inter-*
21 *mittent services under section 3109(b) of title 5, United*
22 *States Code, at rates for individuals that do not exceed the*
23 *daily equivalent of the annual rate of basic pay prescribed*
24 *for level V of the Executive Schedule under section 5316*
25 *of such title.*

1 (i) *TERMINATION.*—*The Commission shall terminate*
2 *30 days after the submission of the report under subsection*
3 *(e).*

4 ***SEC. 1062. REPORT TO CONGRESS REGARDING EXTENT AND***
5 ***SEVERITY OF CHILD POVERTY.***

6 (a) *IN GENERAL.*—*Not later than June 1, 2001 and*
7 *prior to any reauthorization of the temporary assistance*
8 *to needy families program under part A of title IV of the*
9 *Social Security Act (42 U.S.C. 601 et seq.) for any fiscal*
10 *year after fiscal year 2002, the Secretary of Health and*
11 *Human Services (in this section referred to as the “Sec-*
12 *retary”)* shall report to Congress on the extent and severity
13 *of child poverty in the United States. Such report shall,*
14 *at a minimum—*

15 (1) *determine for the period since the enactment*
16 *of the Personal Responsibility and Work Opportunity*
17 *Reconciliation Act of 1996 (Public Law 104–193; 110*
18 *Stat. 2105)—*

19 (A) *whether the rate of child poverty in the*
20 *United States has increased;*

21 (B) *whether the children who live in poverty*
22 *in the United States have gotten poorer; and*

23 (C) *how changes in the availability of cash*
24 *and non-cash benefits to poor families have af-*
25 *ected child poverty in the United States;*

1 (2) *identify alternative methods for defining*
 2 *child poverty that are based on consideration of fac-*
 3 *tors other than family income and resources, includ-*
 4 *ing consideration of a family’s work-related expenses;*
 5 *and*

6 (3) *contain multiple measures of child poverty in*
 7 *the United States that may include the child poverty*
 8 *gap and the extreme poverty rate.*

9 (b) *LEGISLATIVE PROPOSAL.—If the Secretary deter-*
 10 *mines that during the period since the enactment of the Per-*
 11 *sonal Responsibility and Work Opportunity Reconciliation*
 12 *Act of 1996 (Public Law 104–193; 110 Stat. 2105) the ex-*
 13 *tent or severity of child poverty in the United States has*
 14 *increased to any extent, the Secretary shall include with*
 15 *the report to Congress required under subsection (a) a legis-*
 16 *lative proposal addressing the factors that led to such in-*
 17 *crease.*

18 **SEC. 1063. IMPROVING PROPERTY MANAGEMENT.**

19 (a) *IN GENERAL.—Section 203(p)(1)(B)(ii) of the Fed-*
 20 *eral Property and Administrative Services Act of 1949 (40*
 21 *U.S.C. 484(p)(1)(B)(ii)) is amended by striking “July 31,*
 22 *2000” and inserting “December 31, 2002”.*

23 (b) *CONFORMING AMENDMENT.—Section 233 of Ap-*
 24 *pendix E of Public Law 106–113 (113 Stat. 1501A–301)*
 25 *is repealed.*

1 **SEC. 1064. SENSE OF THE SENATE REGARDING TAX TREAT-**
2 **MENT OF MEMBERS RECEIVING SPECIAL PAY.**

3 *It is the sense of the Senate that members of the Armed*
4 *Forces who receive special pay for duty subject to hostile*
5 *fire or imminent danger (37 U.S.C. 310) should receive the*
6 *same tax treatment as members serving in combat zones.*

7 **SEC. 1065. DEPARTMENT OF DEFENSE PROCESS FOR DECI-**
8 **SIONMAKING IN CASES OF FALSE CLAIMS.**

9 *Not later than February 1, 2001, the Secretary of De-*
10 *fense shall submit to Congress a report describing the poli-*
11 *cies and procedures for Department of Defense decision-*
12 *making on issues arising under sections 3729 through 3733*
13 *of title 31, United States Code, in cases of claims submitted*
14 *to the Department of Defense that are suspected or alleged*
15 *to be false. The report shall include a discussion of any*
16 *changes that have been made in the policies and procedures*
17 *since January 1, 2000.*

18 **SEC. 1066. SENSE OF THE SENATE CONCERNING LONG-**
19 **TERM ECONOMIC DEVELOPMENT AID FOR**
20 **COMMUNITIES REBUILDING FROM HURRI-**
21 **CANE FLOYD.**

22 *(a) FINDINGS.—The Senate finds that—*

23 *(1) during September 1999, Hurricane Floyd*
24 *ran a path of destruction along the entire eastern sea-*
25 *board from Florida to Maine;*

1 (2) *Hurricane Floyd was the most destructive*
2 *natural disaster in the history of the State of North*
3 *Carolina and most costly natural disaster in the his-*
4 *tory of the State of New Jersey;*

5 (3) *the Federal Emergency Management Agency*
6 *declared Hurricane Floyd the eighth worst natural*
7 *disaster of the past decade;*

8 (4) *although the Federal Emergency Manage-*
9 *ment Agency coordinates the Federal response to nat-*
10 *ural disasters that exceed the capabilities of State and*
11 *local governments and assists communities to recover*
12 *from those disasters, the Federal Emergency Manage-*
13 *ment Agency is not equipped to provide long-term*
14 *economic recovery assistance;*

15 (5) *it has been 9 months since Hurricane Floyd*
16 *and the Nation has hundreds of communities that*
17 *have yet to recover from the devastation caused by*
18 *that disaster;*

19 (6) *in the past, Congress has responded to nat-*
20 *ural disasters by providing additional economic com-*
21 *munity development assistance to communities recov-*
22 *ering from those disasters, including \$250,000,000 for*
23 *Hurricane Georges in 1998, \$552,000,000 for Red*
24 *River Valley floods in North Dakota in 1997,*
25 *\$25,000,000 for Hurricanes Fran and Hortense in*

1 1996, and \$725,000,000 for the Northridge Earth-
2 quake in California in 1994;

3 (7) additional assistance provided by Congress to
4 communities recovering from natural disasters has
5 been in the form of community development block
6 grants administered by the Department of Housing
7 and Urban Development;

8 (8) communities affected by Hurricane Floyd are
9 facing similar recovery needs as have victims of other
10 natural disasters and will need long-term economic
11 recovery plans to make them strong again; and

12 (9) on April 7, 2000, the Senate passed amend-
13 ment number 3001 to S. Con. Res. 101, which amend-
14 ment would allocate \$250,000,000 in long-term eco-
15 nomic development aid to assist communities rebuild-
16 ing from Hurricane Floyd, including \$150,000,000 in
17 community development block grant funding and
18 \$50,000,000 in rural facilities grant funding.

19 (b) *SENSE OF THE SENATE.*—It is the sense of the Sen-
20 ate that—

21 (1) communities devastated by Hurricane Floyd
22 should know that, in the past, Congress has responded
23 to natural disasters by demonstrating a commitment
24 to helping affected States and communities to recover;

1 (2) *the Federal response to natural disasters has*
2 *traditionally been quick, supportive, and appropriate;*

3 (3) *recognizing that communities devastated by*
4 *Hurricane Floyd are facing tremendous challenges as*
5 *they begin their recovery, the Federal agencies that*
6 *administer community and regional development pro-*
7 *grams should expect an increase in applications and*
8 *other requests from these communities;*

9 (4) *community development block grants admin-*
10 *istered by the Department of Housing and Urban De-*
11 *velopment, grant programs administered by the Eco-*
12 *nomics Development Administration, and the Commu-*
13 *nity Facilities Grant Program administered by the*
14 *Department of Agriculture are resources that commu-*
15 *nities have used to accomplish revitalization and eco-*
16 *nomics development following natural disasters; and*

17 (5) *additional community and regional develop-*
18 *ment funding, as provided for in amendment number*
19 *3001 to S. Con. Res. 101, as passed by the Senate on*
20 *April 7, 2000, should be appropriated to assist com-*
21 *munities in need of long-term economic development*
22 *aid as a result of damage suffered by Hurricane*
23 *Floyd.*

1 **SEC. 1067. AUTHORITY TO PROVIDE HEADSTONES OR**
2 **MARKERS FOR MARKED GRAVES OR OTHER-**
3 **WISE COMMEMORATE CERTAIN INDIVIDUALS.**

4 (a) *IN GENERAL.*—Section 2306 of title 38, United
5 States Code, is amended—

6 (1) in subsections (a) and (e)(1), by striking “the
7 unmarked graves of”; and

8 (2) by adding at the end the following:

9 “(f) A headstone or marker furnished under subsection
10 (a) shall be furnished, upon request, for the marked grave
11 or unmarked grave of the individual or at another area ap-
12 propriate for the purpose of commemorating the indi-
13 vidual.”.

14 (b) *APPLICABILITY.*—(1) Except as provided in para-
15 graph (2), the amendment to subsection (a) of section 2306
16 of title 38, United States Code, made by subsection (a) of
17 this section, and subsection (f) of such section 2306, as
18 added by subsection (a) of this section, shall apply with
19 respect to burials occurring before, on, or after the date of
20 the enactment of this Act.

21 (2) The amendments referred to in paragraph (1) shall
22 not apply in the case of the grave for any individual who
23 died before November 1, 1990, for which the Administrator
24 of Veterans’ Affairs provided reimbursement in lieu of fur-
25 nishing a headstone or marker under subsection (d) of sec-
26 tion 906 of title 38, United States Code, as such subsection

1 *was in effect after September 30, 1978, and before November*
2 *1, 1990.*

3 **SEC. 1068. COMPREHENSIVE STUDY AND SUPPORT FOR**
4 **CRIMINAL INVESTIGATIONS AND PROSECU-**
5 **TIONS BY STATE AND LOCAL LAW ENFORCE-**
6 **MENT OFFICIALS.**

7 *(a) STUDIES.—*

8 *(1) COLLECTION OF DATA.—*

9 *(A) DEFINITION OF RELEVANT OFFENSE.—*

10 *In this paragraph, the term “relevant offense”*
11 *means a crime described in subsection (b)(1) of*
12 *the first section of Public Law 101–275 (28*
13 *U.S.C. 534 note) and a crime that manifests evi-*
14 *dence of prejudice based on gender or age.*

15 *(B) COLLECTION FROM CROSS-SECTION OF*
16 *STATES.—Not later than 120 days after the date*
17 *of enactment of this Act, the Comptroller General*
18 *of the United States, in consultation with the*
19 *National Governors’ Association, shall select 10*
20 *jurisdictions with laws classifying certain types*
21 *of offenses as relevant offenses and 10 jurisdic-*
22 *tions without such laws from which to collect the*
23 *data described in subparagraph (C) over a 12-*
24 *month period.*

1 (C) *DATA TO BE COLLECTED.*—*The data de-*
2 *scribed in this paragraph are—*

3 (i) *the number of relevant offenses that*
4 *are reported and investigated in the juris-*
5 *diction;*

6 (ii) *the percentage of relevant offenses*
7 *that are prosecuted and the percentage that*
8 *result in conviction;*

9 (iii) *the duration of the sentences im-*
10 *posed for crimes classified as relevant of-*
11 *fenses in the jurisdiction, compared with the*
12 *length of sentences imposed for similar*
13 *crimes committed in jurisdictions with no*
14 *laws relating to relevant offenses; and*

15 (iv) *references to and descriptions of*
16 *the laws under which the offenders were*
17 *punished.*

18 (D) *COSTS.*—*Participating jurisdictions*
19 *shall be reimbursed for the reasonable and nec-*
20 *essary costs of compiling data collected under*
21 *this paragraph.*

22 (2) *STUDY OF RELEVANT OFFENSE ACTIVITY.*—

23 (A) *IN GENERAL.*—*Not later than 18*
24 *months after the date of enactment of this Act,*
25 *the Comptroller General of the United States*

1 *shall complete a study and submit to Congress a*
2 *report that analyzes the data collected under*
3 *paragraph (1) and under section 534 of title 28,*
4 *United States Code, to determine the extent of*
5 *relevant offense activity throughout the United*
6 *States and the success of State and local officials*
7 *in combating that activity.*

8 *(B) IDENTIFICATION OF TRENDS.—In the*
9 *study conducted under subparagraph (A), the*
10 *Comptroller General of the United States shall*
11 *identify any trends in the commission of rel-*
12 *evant offenses specifically by—*

13 *(i) geographic region;*

14 *(ii) type of crime committed; and*

15 *(iii) the number and percentage of rel-*
16 *evant offenses that are prosecuted and the*
17 *number for which convictions are obtained.*

18 *(b) ASSISTANCE OTHER THAN FINANCIAL ASSIST-*
19 *ANCE.—At the request of a law enforcement official of a*
20 *State or a political subdivision of a State, the Attorney*
21 *General, acting through the Director of the Federal Bureau*
22 *of Investigation and in cases where the Attorney General*
23 *determines special circumstances exist, may provide tech-*
24 *nical, forensic, prosecutorial, or any other assistance in the*
25 *criminal investigation or prosecution of any crime that—*

1 (1) *constitutes a crime of violence (as defined in*
2 *section 16 of title 18, United States Code);*

3 (2) *constitutes a felony under the laws of the*
4 *State; and*

5 (3) *is motivated by animus against the victim*
6 *by reason of the membership of the victim in a par-*
7 *ticular class or group.*

8 (c) *GRANTS.—*

9 (1) *IN GENERAL.—The Attorney General may, in*
10 *cases where the Attorney General determines special*
11 *circumstances exist, make grants to States and local*
12 *subdivisions of States to assist those entities in the in-*
13 *vestigation and prosecution of crimes motivated by*
14 *animus against the victim by reason of the member-*
15 *ship of the victim in a particular class or group.*

16 (2) *ELIGIBILITY.—A State or political subdivi-*
17 *sion of a State applying for assistance under this sub-*
18 *section shall—*

19 (A) *describe the purposes for which the*
20 *grant is needed; and*

21 (B) *certify that the State or political sub-*
22 *division lacks the resources necessary to inves-*
23 *tigate or prosecute a crime motivated by animus*
24 *against the victim by reason of the membership*
25 *of the victim in a particular class or group.*

1 (3) *DEADLINE.*—An application for a grant
2 under this subsection shall be approved or dis-
3 approved by the Attorney General not later than 10
4 days after the application is submitted.

5 (4) *GRANT AMOUNT.*—A grant under this sub-
6 section shall not exceed \$100,000 for any single case.

7 (5) *REPORT AND AUDIT.*—Not later than Decem-
8 ber 31, 2001, the Attorney General, in consultation
9 with the National Governors' Association, shall—

10 (A) submit to Congress a report describing
11 the applications made for grants under this sub-
12 section, the award of such grants, and the effec-
13 tiveness of the grant funds awarded; and

14 (B) conduct an audit of the grants awarded
15 under this subsection to ensure that such grants
16 are used for the purposes provided in this sub-
17 section.

18 (6) *AUTHORIZATION OF APPROPRIATIONS.*—
19 There is authorized to be appropriated \$5,000,000 for
20 each of the fiscal years 2001 and 2002 to carry out
21 this section.

22 **SEC. 1069. STUDENT LOAN REPAYMENT PROGRAMS.**

23 (a) *STUDENT LOANS.*—Section 5379(a)(1)(B) of title
24 5, United States Code, is amended—

1 (1) *in clause (i), by inserting “(20 U.S.C. 1071*
 2 *et seq.)” before the semicolon;*

3 (2) *in clause (ii), by striking “part E of title IV*
 4 *of the Higher Education Act of 1965” and inserting*
 5 *“part D or E of title IV of the Higher Education Act*
 6 *of 1965 (20 U.S.C. 1087a et seq., 1087aa et seq.)”;*
 7 *and*

8 (3) *in clause (iii), by striking “part C of title*
 9 *VII of Public Health Service Act or under part B of*
 10 *title VIII of such Act” and inserting “part A of title*
 11 *VII of the Public Health Service Act (42 U.S.C. 292*
 12 *et seq.) or under part E of title VIII of such Act (42*
 13 *U.S.C. 297a et seq.)”.*

14 (b) *PERSONNEL COVERED.—*

15 (1) *INELIGIBLE PERSONNEL.—Section*
 16 *5379(a)(2) of title 5, United States Code, is amended*
 17 *to read as follows:*

18 *“(2) An employee shall be ineligible for benefits under*
 19 *this section if the employee occupies a position that is ex-*
 20 *cepted from the competitive service because of its confiden-*
 21 *tial, policy-determining, policy-making, or policy-advo-*
 22 *cating character.”.*

23 (2) *PERSONNEL RECRUITED OR RETAINED.—Sec-*
 24 *tion 5379(b)(1) of title 5, United States Code, is*

1 amended by striking “professional, technical, or ad-
2 ministrative”.

3 (c) *REGULATIONS.*—

4 (1) *PROPOSED REGULATIONS.*—Not later than
5 60 days after the date of enactment of this Act, the
6 Director of the Office of Personnel Management (re-
7 ferred to in this section as the “Director”) shall issue
8 proposed regulations under section 5379(g) of title 5,
9 United States Code. The Director shall provide for a
10 period of not less than 60 days for public comment
11 on the regulations.

12 (2) *FINAL REGULATIONS.*—Not later than 240
13 days after the date of enactment of this Act, the Di-
14 rector shall issue final regulations described in para-
15 graph (1).

16 (d) *ANNUAL REPORTS.*—Section 5379 of title 5,
17 United States Code, is amended by adding at the end the
18 following:

19 “(h)(1) Each head of an agency shall maintain, and
20 annually submit to the Director of the Office of Personnel
21 Management, information with respect to the agency on—

22 “(A) the number of Federal employees selected to
23 receive benefits under this section;

24 “(B) the job classifications for the recipients; and

1 “(C) the cost to the Federal Government of pro-
2 viding the benefits.

3 “(2) The Director of the Office of Personnel Manage-
4 ment shall prepare, and annually submit to Congress, a re-
5 port containing the information submitted under para-
6 graph (1), and information identifying the agencies that
7 have provided the benefits described in paragraph (1).”.

8 **SEC. 1070. SENSE OF THE SENATE ON THE MODERNIZATION**
9 **OF AIR NATIONAL GUARD F-16A UNITS.**

10 (a) *FINDINGS.*—Congress finds that:

11 (1) Certain United States Air Force Air Na-
12 tional Guard fighter units are flying some of the
13 world’s oldest and least capable F-16A aircraft which
14 are approaching the end of their service lives.

15 (2) The aircraft are generally incompatible with
16 those flown by the active force and therefore cannot be
17 effectively deployed to theaters of operation to support
18 contingencies and to relieve the high operations tempo
19 of active duty units.

20 (3) The Air Force has specified no plans to re-
21 place these obsolescent aircraft before the year 2007 at
22 the earliest.

23 (b) *SENSE OF THE SENATE.*—It is the sense of the Sen-
24 ate that in light of these findings the Air Force should, by
25 February 1, 2001, provide the Congress with a plan to mod-

1 *ernize and upgrade the combat capabilities of those Air Na-*
 2 *tional Guard units that are now flying F-16As so they can*
 3 *deploy as part of Air Expeditionary Forces and assist in*
 4 *relieving the high operations tempo of active duty units.*

5 **SEC. 1071. TWO-YEAR EXTENSION OF AUTHORITY TO EN-**
 6 **GAGE IN COMMERCIAL ACTIVITIES AS SECU-**
 7 **RITY FOR INTELLIGENCE COLLECTION AC-**
 8 **TIVITIES.**

9 *Section 431(a) of title 10, United States Code, is*
 10 *amended in the second sentence by striking “December 31,*
 11 *2000” and inserting “December 31, 2002”.*

12 **SEC. 1072. FIREFIGHTER INVESTMENT AND RESPONSE EN-**
 13 **HANCEMENT.**

14 *The Federal Fire Prevention and Control Act of 1974*
 15 *(15 U.S.C. 2201 et seq.) is amended by adding at the end*
 16 *the following:*

17 **“SEC. 33. FIREFIGHTER INVESTMENT AND RESPONSE EN-**
 18 **HANCEMENT.**

19 *“(a) DEFINITION OF FIREFIGHTING PERSONNEL.—In*
 20 *this section, the term ‘firefighting personnel’ means individ-*
 21 *uals, including volunteers, who are firefighters, officers of*
 22 *fire departments, or emergency medical service personnel of*
 23 *fire departments.*

24 *“(b) ASSISTANCE PROGRAM.—*

1 “(1) *AUTHORITY.*—*In accordance with this sec-*
2 *tion, the Director may—*

3 “(A) *make grants on a competitive basis to*
4 *fire departments for the purpose of protecting the*
5 *health and safety of the public and firefighting*
6 *personnel against fire and fire-related hazards;*
7 *and*

8 “(B) *provide assistance for fire prevention*
9 *programs in accordance with paragraph (4).*

10 “(2) *ESTABLISHMENT OF OFFICE FOR ADMINIS-*
11 *TRATION OF ASSISTANCE.*—*Before providing assist-*
12 *ance under paragraph (1), the Director shall establish*
13 *an office in the Federal Emergency Management*
14 *Agency that shall have the duties of establishing spe-*
15 *cific criteria for the selection of recipients of the as-*
16 *sistance, and administering the assistance, under this*
17 *section.*

18 “(3) *USE OF FIRE DEPARTMENT GRANT*
19 *FUNDS.*—*The Director may make a grant under*
20 *paragraph (1)(A) only if the applicant for the grant*
21 *agrees to use the grant funds—*

22 “(A) *to hire additional firefighting per-*
23 *sonnel;*

24 “(B) *to train firefighting personnel in fire-*
25 *fighting, emergency response, arson prevention*

1 *and detection, or the handling of hazardous ma-*
2 *terials, or to train firefighting personnel to pro-*
3 *vide any of the training described in this sub-*
4 *paragraph;*

5 *“(C) to fund the creation of rapid interven-*
6 *tion teams to protect firefighting personnel at the*
7 *scenes of fires and other emergencies;*

8 *“(D) to certify fire inspectors;*

9 *“(E) to establish wellness and fitness pro-*
10 *grams for firefighting personnel to ensure that*
11 *the firefighting personnel can carry out their du-*
12 *ties;*

13 *“(F) to fund emergency medical services*
14 *provided by fire departments;*

15 *“(G) to acquire additional firefighting vehi-*
16 *cles, including fire trucks;*

17 *“(H) to acquire additional firefighting*
18 *equipment, including equipment for communica-*
19 *tions and monitoring;*

20 *“(I) to acquire personal protective equip-*
21 *ment required for firefighting personnel by the*
22 *Occupational Safety and Health Administration,*
23 *and other personal protective equipment for fire-*
24 *fighting personnel;*

1 “(J) to modify fire stations, fire training
2 facilities, and other facilities to protect the health
3 and safety of firefighting personnel;

4 “(K) to enforce fire codes;

5 “(L) to fund fire prevention programs; or

6 “(M) to educate the public about arson pre-
7 vention and detection.

8 “(4) FIRE PREVENTION PROGRAMS.—

9 “(A) IN GENERAL.—For each fiscal year,
10 the Director shall use not less than 10 percent of
11 the funds made available under subsection (c)—

12 “(i) to make grants to fire departments
13 for the purpose described in paragraph
14 (3)(L); and

15 “(ii) to make grants to, or enter into
16 contracts or cooperative agreements with,
17 national, State, local, or community orga-
18 nizations that are recognized for their expe-
19 rience and expertise with respect to fire pre-
20 vention or fire safety programs and activi-
21 ties, for the purpose of carrying out fire
22 prevention programs.

23 “(B) PRIORITY.—In selecting organizations
24 described in subparagraph (A)(ii) to receive as-
25 sistance under this paragraph, the Director shall

1 *give priority to organizations that focus on pre-*
2 *vention of injuries to children from fire.*

3 “(5) *APPLICATION.*—*The Director may provide*
4 *assistance to a fire department or organization under*
5 *this subsection only if the fire department or organi-*
6 *zation seeking the assistance submits to the Director*
7 *an application in such form and containing such in-*
8 *formation as the Director may require.*

9 “(6) *MATCHING REQUIREMENT.*—*The Director*
10 *may provide assistance under this subsection only if*
11 *the applicant for the assistance agrees to match with*
12 *an equal amount of non-Federal funds 10 percent of*
13 *the assistance received under this subsection for any*
14 *fiscal year.*

15 “(7) *MAINTENANCE OF EXPENDITURES.*—*The Di-*
16 *rector may provide assistance under this subsection*
17 *only if the applicant for the assistance agrees to*
18 *maintain in the fiscal year for which the assistance*
19 *will be received the applicant’s aggregate expenditures*
20 *for the uses described in paragraph (3) or (4) at or*
21 *above the average level of such expenditures in the 2*
22 *fiscal years preceding the fiscal year for which the as-*
23 *istance will be received.*

24 “(8) *REPORT TO THE DIRECTOR.*—*The Director*
25 *may provide assistance under this subsection only if*

1 *the applicant for the assistance agrees to submit to*
 2 *the Director a report, including a description of how*
 3 *the assistance was used, with respect to each fiscal*
 4 *year for which the assistance was received.*

5 “(9) *VARIETY OF FIRE DEPARTMENT GRANT RE-*
 6 *CIPIENTS.—The Director shall ensure that grants*
 7 *under paragraph (1)(A) for a fiscal year are made to*
 8 *a variety of fire departments, including, to the extent*
 9 *that there are eligible applicants—*

10 “(A) *paid, volunteer, and combination fire*
 11 *departments;*

12 “(B) *fire departments located in commu-*
 13 *nities of varying sizes; and*

14 “(C) *fire departments located in urban, sub-*
 15 *urban, and rural communities.*

16 “(10) *LIMITATION ON EXPENDITURES FOR FIRE-*
 17 *FIGHTING VEHICLES.—The Director shall ensure that*
 18 *not more than 25 percent of the assistance made*
 19 *available under this subsection for a fiscal year is*
 20 *used for the use described in paragraph (3)(G).*

21 “(c) *AUTHORIZATION OF APPROPRIATIONS.—*

22 “(1) *IN GENERAL.—There are authorized to be*
 23 *appropriated to the Director—*

24 “(A) *\$100,000,000 for fiscal year 2001;*

25 “(B) *\$200,000,000 for fiscal year 2002;*

1 “(C) \$400,000,000 for fiscal year 2003;

2 “(D) \$600,000,000 for fiscal year 2004;

3 “(E) \$800,000,000 for fiscal year 2005; and

4 “(F) \$1,000,000,000 for fiscal year 2006.

5 “(2) *LIMITATION ON ADMINISTRATIVE COSTS.*—

6 *Of the amounts made available under paragraph (1)*

7 *for a fiscal year, the Director may use not more than*

8 *10 percent for the administrative costs of carrying out*

9 *this section.*”.

10 **SEC. 1073. BREAST CANCER STAMP EXTENSION.**

11 *Section 414(g) of title 39, United States Code, is*

12 *amended by striking “2-year” and inserting “4-year”.*

13 **SEC. 1074. PERSONNEL SECURITY POLICIES.**

14 *No officer or employee of the Department of Defense*

15 *or any contractor thereof, and no member of the Armed*

16 *Forces shall be granted a security clearance if that person—*

17 *(1) has been convicted in any court within the*

18 *United States of a crime and sentenced to imprison-*

19 *ment for a term exceeding 1 year;*

20 *(2) is an unlawful user of or addicted to any*

21 *controlled substance (as defined in section 102 of the*

22 *Controlled Substances Act);*

23 *(3) is currently mentally incompetent; or*

24 *(4) has been discharged from the Armed Forces*

25 *under dishonorable conditions.*

1 **SEC. 1075. ADDITIONAL MATTERS FOR ANNUAL REPORT ON**
2 **TRANSFERS OF MILITARILY SENSITIVE TECH-**
3 **NOLOGY TO COUNTRIES AND ENTITIES OF**
4 **CONCERN.**

5 *Section 1402(b) of the National Defense Authorization*
6 *Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.*
7 *798) is amended by adding at the end the following:*

8 *“(4) The status of the implementation or other*
9 *disposition of recommendations included in reports of*
10 *audits by Inspectors General that have been set forth*
11 *in previous annual reports under this section.”.*

12 **SEC. 1076. NATIONAL SECURITY IMPLICATIONS OF UNITED**
13 **STATES-CHINA TRADE RELATIONSHIP.**

14 *(a) IN GENERAL.—*

15 *(1) NAME OF COMMISSION.—Section 127(c)(1) of*
16 *the Trade Deficit Review Commission Act (19 U.S.C.*
17 *2213 note) is amended by striking “Trade Deficit Re-*
18 *view Commission” and inserting “United States-*
19 *China Security Review Commission”.*

20 *(2) QUALIFICATIONS OF MEMBERS.—Section*
21 *127(c)(3)(B)(i)(I) of such Act (19 U.S.C. 2213 note)*
22 *is amended by inserting “national security matters*
23 *and United States-China relations,” after “expertise*
24 *in”.*

1 (3) *PERIOD OF APPOINTMENT.*—Section
 2 127(c)(3)(A) of such Act (19 U.S.C. 2213 note) is
 3 amended to read as follows:

4 “(A) *IN GENERAL.*—

5 “(i) *APPOINTMENT BEGINNING WITH*
 6 107th CONGRESS.—Beginning with the
 7 107th Congress and each new Congress
 8 thereafter, members shall be appointed not
 9 later than 30 days after the date on which
 10 Congress convenes. Members may be re-
 11 appointed for additional terms of service.

12 “(ii) *TRANSITION.*—Members serving
 13 on the Commission shall continue to serve
 14 until such time as new members are ap-
 15 pointed.”.

16 (b) *PURPOSE.*—Section 127(k) of the Trade Deficit Re-
 17 view Commission Act (19 U.S.C. 2213 note) is amended
 18 to read as follows:

19 “(k) *UNITED STATES-CHINA NATIONAL SECURITY IM-*
 20 *PLICATIONS.*—

21 “(1) *IN GENERAL.*—Upon submission of the re-
 22 port described in subsection (e), the Commission
 23 shall—

24 “(A) wind up the functions of the Trade
 25 Deficit Review Commission; and

1 “(B) monitor, investigate, and report to
2 Congress on the national security implications of
3 the bilateral trade and economic relationship be-
4 tween the United States and the People’s Repub-
5 lic of China.

6 “(2) ANNUAL REPORT.—Not later than March 1,
7 2002, and annually thereafter, the Commission shall
8 submit a report to Congress, in both unclassified and
9 classified form, regarding the national security impli-
10 cations and impact of the bilateral trade and eco-
11 nomic relationship between the United States and the
12 People’s Republic of China. The report shall include
13 a full analysis, along with conclusions and rec-
14 ommendations for legislative and administrative ac-
15 tions, of the national security implications for the
16 United States of the trade and current balances with
17 the People’s Republic of China in goods and services,
18 financial transactions, and technology transfers. The
19 Commission shall also take into account patterns of
20 trade and transfers through third countries to the ex-
21 tent practicable.

22 “(3) CONTENTS OF REPORT.—The report de-
23 scribed in paragraph (2) shall include, at a min-
24 imum, a full discussion of the following:

1 “(A) *The portion of trade in goods and*
2 *services with the United States that the People’s*
3 *Republic of China dedicates to military systems*
4 *or systems of a dual nature that could be used*
5 *for military purposes.*

6 “(B) *The acquisition by the Government of*
7 *the People’s Republic of China and entities con-*
8 *trolled by the Government of advanced military*
9 *technologies through United States trade and*
10 *technology transfers.*

11 “(C) *Any transfers, other than those identi-*
12 *fied under subparagraph (B), to the military*
13 *systems of the People’s Republic of China made*
14 *by United States firms and United States-based*
15 *multinational corporations.*

16 “(D) *An analysis of the statements and*
17 *writing of the People’s Republic of China offi-*
18 *cials and officially-sanctioned writings that bear*
19 *on the intentions of the Government of the Peo-*
20 *ple’s Republic of China regarding the pursuit of*
21 *military competition with, and leverage over, the*
22 *United States and the Asian allies of the United*
23 *States.*

24 “(E) *The military actions taken by the Gov-*
25 *ernment of the People’s Republic of China dur-*

1 *ing the preceding year that bear on the national*
2 *security of the United States and the regional*
3 *stability of the Asian allies of the United States.*

4 *“(F) The effects to the national security in-*
5 *terests of the United States of the use by the Peo-*
6 *ple’s Republic of China of financial transactions,*
7 *capital flow, and currency manipulations.*

8 *“(G) Any action taken by the Government*
9 *of the People’s Republic of China in the context*
10 *of the World Trade Organization that is adverse*
11 *to the United States national security interests.*

12 *“(H) Patterns of trade and investment be-*
13 *tween the People’s Republic of China and its*
14 *major trading partners, other than the United*
15 *States, that appear to be substantively different*
16 *from trade and investment patterns with the*
17 *United States and whether the differences con-*
18 *stitute a security problem for the United States.*

19 *“(I) The extent to which the trade surplus*
20 *of the People’s Republic of China with the*
21 *United States enhances the military budget of*
22 *the People’s Republic of China.*

23 *“(J) An overall assessment of the state of*
24 *the security challenges presented by the People’s*
25 *Republic of China to the United States and*

1 *whether the security challenges are increasing or*
2 *decreasing from previous years.*

3 “(4) *RECOMMENDATIONS OF REPORT.*—*The re-*
4 *port described in paragraph (2) shall include rec-*
5 *ommendations for action by Congress or the Presi-*
6 *dent, or both, including specific recommendations for*
7 *the United States to invoke Article XXI (relating to*
8 *security exceptions) of the General Agreement on Tar-*
9 *iffs and Trade 1994 with respect to the People’s Re-*
10 *public of China, as a result of any adverse impact on*
11 *the national security interests of the United States.”.*

12 (c) *CONFORMING AMENDMENTS.*—

13 (1) *HEARINGS.*—*Section 127(f)(1) of such Act*
14 *(19 U.S.C. 2213 note) is amended to read as follows:*

15 “(1) *HEARINGS.*—

16 “(A) *IN GENERAL.*—*The Commission or, at*
17 *its direction, any panel or member of the Com-*
18 *mission, may for the purpose of carrying out the*
19 *provisions of this Act, hold hearings, sit and act*
20 *at times and places, take testimony, receive evi-*
21 *dence, and administer oaths to the extent that*
22 *the Commission or any panel or member con-*
23 *siders advisable.*

24 “(B) *INFORMATION.*—*The Commission may*
25 *secure directly from the Department of Defense,*

1 *the Central Intelligence Agency, and any other*
2 *Federal department or agency information that*
3 *the Commission considers necessary to enable the*
4 *Commission to carry out its responsibilities*
5 *under this Act, except the provision of intel-*
6 *ligence information to the Commission shall be*
7 *made with due regard for the protection from*
8 *unauthorized disclosure of classified information*
9 *relating to sensitive intelligence sources and*
10 *methods or other exceptionally sensitive matters,*
11 *under procedures approved by the Director of*
12 *Central Intelligence.*

13 “(C) *SECURITY.*—*The Office of Senate Se-*
14 *curity shall—*

15 “(i) *provide classified storage and*
16 *meeting and hearing spaces, when nec-*
17 *essary, for the Commission; and*

18 “(ii) *assist members and staff of the*
19 *Commission in obtaining security clear-*
20 *ances.*

21 “(D) *SECURITY CLEARANCES.*—*All members*
22 *of the Commission and appropriate staff shall be*
23 *sworn and hold appropriate security clear-*
24 *ances.”.*

25 (2) *CHAIRMAN.*—

1 (A) *Section 127(c)(6) of such Act (19 U.S.C.*
 2 *2213 note) is amended by striking “Chair-*
 3 *person” and inserting “Chairman”.*

4 (B) *Section 127(g) of such Act (19 U.S.C.*
 5 *2213 note) is amended by striking “Chair-*
 6 *person” each place it appears and inserting*
 7 *“Chairman”.*

8 (3) *CHAIRMAN AND VICE CHAIRMAN.—Section*
 9 *127(c)(7) of such Act (19 U.S.C. 2213 note) is*
 10 *amended—*

11 (A) *by striking “CHAIRPERSON AND VICE*
 12 *CHAIRPERSON” in the heading and inserting*
 13 *“CHAIRMAN AND VICE CHAIRMAN”;*

14 (B) *by striking “chairperson” and “vice*
 15 *chairperson” in the text and inserting “Chair-*
 16 *man” and “Vice Chairman”; and*

17 (C) *by inserting “at the beginning of each*
 18 *new Congress” before the end period.*

19 (d) *APPROPRIATIONS.—Section 127(i) of such Act (19*
 20 *U.S.C. 2213 note) is amended to read as follows:*

21 “(i) *AUTHORIZATION.—*

22 “(1) *IN GENERAL.—There are authorized to be*
 23 *appropriated to the Commission for fiscal year 2001,*
 24 *and each fiscal year thereafter, such sums as may be*
 25 *necessary to enable it to carry out its functions. Ap-*

1 *appropriations to the Commission are authorized to re-*
 2 *main available until expended. Unobligated balances*
 3 *of appropriations made to the Trade Deficit Review*
 4 *Commission before the effective date of this subsection*
 5 *shall remain available to the Commission on and*
 6 *after such date.*

7 “(2) *FOREIGN TRAVEL FOR OFFICIAL PUR-*
 8 *POSES.—Foreign travel for official purposes by mem-*
 9 *bers and staff of the Commission may be authorized*
 10 *by either the Chairman or the Vice Chairman.”.*

11 *(e) EFFECTIVE DATE.—The amendments made by this*
 12 *section shall take effect on the first day of the 107th Con-*
 13 *gress.*

14 **SEC. 1077. SECRECY POLICIES AND WORKER HEALTH.**

15 *(a) REVIEW OF SECRECY POLICIES.—The Secretary of*
 16 *Defense in consultation with the Secretary of Energy shall*
 17 *review classification and security policies and, within ap-*
 18 *propriate national security constraints, ensure that such*
 19 *policies do not prevent or discourage employees at former*
 20 *nuclear weapons facilities who may have been exposed to*
 21 *radioactive or other hazardous substances associated with*
 22 *nuclear weapons from discussing such exposures with ap-*
 23 *propriate health care providers and with other appropriate*
 24 *officials. The policies reviewed should include the policy to*
 25 *neither confirm nor deny the presence of nuclear weapons*

1 *as it is applied to former United States nuclear weapons*
2 *facilities that no longer contain nuclear weapons or mate-*
3 *rials.*

4 (b) *NOTIFICATION OF AFFECTED EMPLOYEES.—(1)*
5 *The Secretary of Defense in consultation with the Secretary*
6 *of Energy shall seek to identify individuals who are or were*
7 *employed at Department of Defense sites that no longer*
8 *store, assemble, disassemble, or maintain nuclear weapons.*

9 (2) *Upon determination that such employees may have*
10 *been exposed to radioactive or hazardous substances associ-*
11 *ated with nuclear weapons at such sites, such employees*
12 *shall be notified of any such exposures to radiation, or haz-*
13 *ardous substances associated with nuclear weapons.*

14 (3) *Such notification shall include an explanation of*
15 *how such employees can discuss any such exposures with*
16 *health care providers who do not possess security clearances*
17 *without violating security or classification procedures or,*
18 *if necessary, provide guidance to facilitate the ability of*
19 *such individuals to contact health care providers with ap-*
20 *propriate security clearances or discuss such exposures with*
21 *other officials who are determined by the Secretary of De-*
22 *fense to be appropriate.*

23 (c) *The Secretary of Defense in consultation with the*
24 *Secretary of Energy shall, no later than May 1, 2001, sub-*

1 *mit a report to the Congressional Defense Committees set-*
 2 *ting forth—*

3 *(1) the results of the review in paragraph (a) in-*
 4 *cluding any changes made or recommendations for*
 5 *legislation; and*

6 *(2) the status of the notification in paragraph*
 7 *(b) and an anticipated date on which such notifica-*
 8 *tion will be completed.*

9 ***TITLE XI—DEPARTMENT OF DE-***
 10 ***FENSE CIVILIAN PERSONNEL***
 11 ***POLICY***

12 ***SEC. 1101. COMPUTER/ELECTRONIC ACCOMMODATIONS***
 13 ***PROGRAM.***

14 *(a) AUTHORITY TO EXPAND PROGRAM.—(1) Chapter*
 15 *81 of title 10, United States Code, is amended by inserting*
 16 *after section 1581 the following:*

17 ***“§ 1582. Assistive technology, assistive technology de-***
 18 ***vices, and assistive technology services***

19 *“(a) AUTHORITY.—The Secretary of Defense may pro-*
 20 *vide assistive technology, assistive technology devices, and*
 21 *assistive technology services to the following:*

22 *“(1) Department of Defense employees with dis-*
 23 *abilities.*

1 “(2) *Organizations within the department that*
 2 *have requirements to make programs or facilities ac-*
 3 *cessible to and usable by persons with disabilities.*

4 “(3) *Any other department or agency of the Fed-*
 5 *eral Government, upon the request of the head of that*
 6 *department or agency, for its employees with disabil-*
 7 *ities or for satisfying a requirement to make its pro-*
 8 *grams or facilities accessible to and usable by persons*
 9 *with disabilities.*

10 “(b) *DEFINITIONS.—In this section, the terms ‘assist-*
 11 *ive technology’, ‘assistive technology device’, ‘assistive tech-*
 12 *nology service’, and ‘disability’ have the meanings given the*
 13 *terms in section 3 of the Assistive Technology Act of 1998*
 14 *(29 U.S.C. 3002).’.*”

15 “(2) *The table of sections at the beginning of such chap-*
 16 *ter is amended by inserting after the item relating to section*
 17 *1581 the following:*

“1582. *Assistive technology, assistive technology devices, and assistive technology services.*”.

18 “(b) *FUNDING.—Of the amount authorized to be appro-*
 19 *priated under section 301(5) for operation and mainte-*
 20 *nance for Defense-wide activities, not more than \$2,000,000*
 21 *is available for the purpose of expanding and administering*
 22 *the Computer/Electronic Accommodation Program of the*
 23 *Department of Defense to provide under section 1582 of title*

1 10, United States Code (as added by subsection (a)), the
 2 technology, devices, and services described in that section.

3 **SEC. 1102. ADDITIONAL SPECIAL PAY FOR FOREIGN LAN-**
 4 **GUAGE PROFICIENCY BENEFICIAL FOR**
 5 **UNITED STATES NATIONAL SECURITY INTER-**
 6 **ESTS.**

7 (a) *IN GENERAL.*—Chapter 81 of title 10, United
 8 States Code, is amended by inserting after section 1596 the
 9 following new section:

10 **“§1596a. Foreign language proficiency: special pay**
 11 **for proficiency beneficial for other na-**
 12 **tional security interests**

13 “(a) *AUTHORITY.*—The Secretary of Defense may pay
 14 special pay under this section to an employee of the Depart-
 15 ment of Defense who—

16 “(1) has been certified by the Secretary to be
 17 proficient in a foreign language identified by the Sec-
 18 retary as being a language in which proficiency by
 19 civilian personnel of the department is necessary be-
 20 cause of national security interests;

21 “(2) is assigned duties requiring proficiency in
 22 that foreign language; and

23 “(3) is not receiving special pay under section
 24 1596 of this title.

1 “(b) *RATE.*—The rate of special pay for an employee
 2 under this section shall be prescribed by the Secretary, but
 3 may not exceed five percent of the employee’s rate of basic
 4 pay.

5 “(c) *RELATIONSHIP TO OTHER PAY AND ALLOW-*
 6 *ANCES.*—Special pay under this section is in addition to
 7 any other pay or allowances to which the employee is enti-
 8 tled.

9 “(d) *REGULATIONS.*—The Secretary of Defense shall
 10 prescribe regulations to carry out this section.”.

11 (b) *AMENDMENT TO DISTINGUISH OTHER FOREIGN*
 12 *LANGUAGE PROFICIENCY SPECIAL PAY.*—The heading for
 13 section 1596 of title 10, United States Code, is amended
 14 to read as follows:

15 **“§ 1596. Foreign language proficiency: special pay for**
 16 **proficiency beneficial for intelligence in-**
 17 **terests”.**

18 (c) *CLERICAL AMENDMENT.*—The table of sections at
 19 the beginning of chapter 81 of such title is amended by
 20 striking the item relating to section 1596 and inserting the
 21 following:

“1596. Foreign language proficiency: special pay for proficiency beneficial for in-
 telligence interests.

“1596a. Foreign language proficiency: special pay for proficiency beneficial for
 other national security interests.”.

1 **SEC. 1103. INCREASED NUMBER OF POSITIONS AUTHOR-**
2 **IZED FOR THE DEFENSE INTELLIGENCE SEN-**
3 **IOR EXECUTIVE SERVICE.**

4 *Section 1606(a) of title 10, United States Code, is*
5 *amended by striking “492” and inserting “517”.*

6 **SEC. 1104. EXTENSION OF AUTHORITY FOR TUITION REIM-**
7 **BURSEMENT AND TRAINING FOR CIVILIAN**
8 **EMPLOYEES IN THE DEFENSE ACQUISITION**
9 **WORKFORCE.**

10 *Section 1745(a) of title 10, United States Code, is*
11 *amended by striking “September 30, 2001” in the second*
12 *sentence and inserting “September 30, 2010”.*

13 **SEC. 1105. WORK SAFETY DEMONSTRATION PROGRAM.**

14 *(a) ESTABLISHMENT.—The Secretary of Defense shall*
15 *carry out a defense employees work safety demonstration*
16 *program.*

17 *(b) PRIVATE SECTOR WORK SAFETY MODELS.—Under*
18 *the demonstration program, the Secretary shall—*

19 *(1) adopt for use in the workplace of employees*
20 *of the Department of Defense such work safety models*
21 *used by employers in the private sector that the Sec-*
22 *retary considers as being representative of the best*
23 *work safety practices in use by private sector employ-*
24 *ers; and*

1 (2) *determine whether the use of those practices*
2 *in the Department of Defense improves the work safe-*
3 *ty record of Department of Defense employees.*

4 (c) *SITES.*—(1) *The Secretary shall carry out the dem-*
5 *onstration program—*

6 (A) *at not fewer than two installations of each*
7 *of the Armed Forces (other than the Coast Guard), for*
8 *employees of the military department concerned; and*

9 (B) *in at least two Defense Agencies (as defined*
10 *in section 101(a)(11) of title 10, United States Code).*

11 (2) *The Secretary shall select the installations and De-*
12 *fense Agencies from among the installations and Defense*
13 *Agencies listed in the Federal Worker 2000 Presidential Ini-*
14 *tiative.*

15 (d) *PERIOD FOR PROGRAM.*—*The demonstration pro-*
16 *gram shall begin not later than 180 days after the date of*
17 *the enactment of this Act and shall terminate on September*
18 *30, 2002.*

19 (e) *REPORTS.*—(1) *The Secretary of Defense shall sub-*
20 *mit an interim report on the demonstration program to the*
21 *Committees on Armed Services of the Senate and the House*
22 *of Representatives not later than December 1, 2001. The in-*
23 *terim report shall contain, at a minimum, for each site of*
24 *the demonstration program the following:*

1 (A) *A baseline assessment of the lost workday in-*
2 *jury rate.*

3 (B) *A comparison of the lost workday injury*
4 *rate for fiscal year 2000 with the lost workday injury*
5 *rate for fiscal year 1999.*

6 (C) *The direct and indirect costs associated with*
7 *all lost workday injuries.*

8 (2) *The Secretary of Defense shall submit a final re-*
9 *port on the demonstration program to the Committees on*
10 *Armed Services of the Senate and the House of Representa-*
11 *tives not later than December 1, 2002. The final report shall*
12 *contain, at a minimum, for each site of the demonstration*
13 *program the following:*

14 (A) *The Secretary's determination on the issue*
15 *stated in subsection (b)(2).*

16 (B) *A comparison of the lost workday injury*
17 *rate under the program with the baseline assessment*
18 *of the lost workday injury rate.*

19 (C) *The lost workday injury rate for fiscal year*
20 *2002.*

21 (D) *A comparison of the direct and indirect costs*
22 *associated with all lost workday injuries for fiscal*
23 *year 2002 with the direct and indirect costs associ-*
24 *ated with all lost workday injuries for fiscal year*
25 *2001.*

1 (f) *FUNDING.*—Of the amount authorized to be appro-
 2 priated under section 301(5), \$5,000,000 shall be available
 3 for the demonstration program under this section.

4 **SEC. 1106. EMPLOYMENT AND COMPENSATION OF EMPLOY-**
 5 **EES FOR TEMPORARY ORGANIZATIONS ES-**
 6 **TABLISHED BY LAW OR EXECUTIVE ORDER.**

7 (a) *IN GENERAL.*—Chapter 31 of title 5, United States
 8 Code, is amended by adding at the end the following new
 9 subchapter:

10 “**SUBCHAPTER IV—TEMPORARY ORGANIZATIONS**
 11 **ESTABLISHED BY LAW OR EXECUTIVE ORDER**

12 “**§ 3161. Employment and compensation of employees**

13 “(a) *DEFINITION OF TEMPORARY ORGANIZATION.*—
 14 For the purposes of this subchapter, the term ‘temporary
 15 organization’ means a commission, committee, board, or
 16 other organization that—

17 “(1) is established by law or Executive order for
 18 a specific period not in excess of 3 years for the pur-
 19 pose of performing a specific study or other project;
 20 and

21 “(2) is terminated upon the completion of the
 22 study or project or upon the occurrence of a condition
 23 related to the completion of the study or project.

24 “(b) *EMPLOYMENT AUTHORITY.*—(1) Notwithstanding
 25 the provisions of chapter 51 of this title, the head of an

1 *Executive agency may appoint persons to positions of em-*
2 *ployment in a temporary organization in such numbers*
3 *and with such skills as are necessary for the performance*
4 *of the functions required of a temporary organization.*

5 “(2) *The period of an appointment under paragraph*
6 *(1) may not exceed three years, except that under regula-*
7 *tions prescribed by the Office of Personnel Management the*
8 *period of appointment may be extended for up to an addi-*
9 *tional two years.*

10 “(3) *The positions of employment in a temporary or-*
11 *ganization are in the excepted service of the civil service.*

12 “(c) *DETAIL AUTHORITY.—Upon the request of the*
13 *head of a temporary organization, the head of any depart-*
14 *ment or agency of the Government may detail, on a non-*
15 *reimbursable basis, any personnel of the department or*
16 *agency to that organization to assist in carrying out its*
17 *duties.*

18 “(d) *COMPENSATION.—(1) The rate of basic pay for*
19 *an employee appointed under subsection (b) shall be estab-*
20 *lished under regulations prescribed by the Office of Per-*
21 *sonnel Management without regard to the provisions of*
22 *chapter 51 and subchapter III of chapter 53 of this title.*

23 “(2) *The rate of basic pay for the chairman, a member,*
24 *an executive director, a staff director, or another executive*
25 *level position of a temporary organization may not exceed*

1 *the maximum rate of basic pay established for the Senior*
2 *Executive Service under section 5382 of this title.*

3 “(3) *Except as provided in paragraph (4), the rate of*
4 *basic pay for other positions in a temporary organization*
5 *may not exceed the maximum rate of basic pay for grade*
6 *GS-15 of the General Schedule under section 5332 of this*
7 *title.*

8 “(4) *The rate of basic pay for a senior staff position*
9 *of a temporary organization may, in a case determined by*
10 *the head of the temporary organization as exceptional, ex-*
11 *ceed the maximum rate of basic pay authorized under para-*
12 *graph (3), but may not exceed the maximum rate of basic*
13 *pay authorized for an executive level position under para-*
14 *graph (2).*

15 “(5) *In this subsection, the term ‘basic pay’ includes*
16 *locality pay provided for under section 5304 of this title.*

17 “(e) *TRAVEL EXPENSES.—An employee of a tem-*
18 *porary organization, whether employed on a full-time or*
19 *part-time basis, may be allowed travel and transportation*
20 *expenses, including per diem in lieu of subsistence, at rates*
21 *authorized for employees of agencies under subchapter I of*
22 *chapter 57 of this title, while traveling away from the em-*
23 *ployee’s regular place of business in the performance of serv-*
24 *ices for the temporary organization.*

1 “(f) *BENEFITS.*—(1) *An employee appointed under*
2 *subsection (b) shall be afforded the same benefits and entitle-*
3 *ments as are provided other employees under subpart G of*
4 *part III of this title, except that a full-time employee shall*
5 *be eligible for life insurance under chapter 87 of this title*
6 *and health benefits under chapter 89 of this title imme-*
7 *diately upon appointment to the position of full-time em-*
8 *ployment without regard to the duration of the temporary*
9 *organization or of the appointment to that position of the*
10 *temporary organization.*

11 “(2) *Until an employee of a temporary organization*
12 *has completed one year of continuous service in the civil*
13 *service, there shall be withheld from the employee’s pay the*
14 *following:*

15 “(A) *In the case of an employee insured pursu-*
16 *ant to paragraph (1) by an insurance policy pur-*
17 *chased by the Office under chapter 87 of this title, the*
18 *amount equal to the amount of the Government con-*
19 *tribution under section 8708 of this title, as well as*
20 *the amount required to be withheld from the pay of*
21 *the employee under section 8707 of this title, all of*
22 *which shall be deposited in the Treasury of the United*
23 *States to the credit of the Employees’ Life Insurance*
24 *Fund referred to in section 8714 of this title.*

1 “(B) *In the case of an employee participating*
2 *pursuant to paragraph (1) in a Federal Employees*
3 *Health Benefits plan under chapter 89 of this title,*
4 *the amount equal to the amount of the Government*
5 *contribution under section 8906 of this title, as well*
6 *as the amount required to be withheld from the pay*
7 *of the employee under section 8906 of this title, all of*
8 *which shall be paid into the Employees Health Bene-*
9 *fits Fund referred to in section 8909 of this title.*

10 “(3) *No contribution shall be made by the United*
11 *States for an employee under section 8708 or 8906 of this*
12 *title for any period for which subparagraph (A) or (B), re-*
13 *spectively, of paragraph (2) applies to the employee.*

14 “(g) *RETURN RIGHTS.—An employee serving under a*
15 *career or career conditional appointment or the equivalent*
16 *in an agency who transfers to or converts to an appoint-*
17 *ment in a temporary organization with the consent of the*
18 *head of the agency is entitled to be returned to the employ-*
19 *ee’s former position or a position of like seniority, status,*
20 *and pay without grade or pay retention in the agency if*
21 *the employee—*

22 “(1) *is being separated from the temporary orga-*
23 *nization for reasons other than misconduct, neglect of*
24 *duty, or malfeasance; and*

1 “(2) applies for return not later than 30 days
2 before the earlier of—

3 “(A) the date of the termination of the em-
4 ployment in the temporary organization; or

5 “(B) the date of the termination of the tem-
6 porary organization.

7 “(h) *TEMPORARY AND INTERMITTENT SERVICES.*—The
8 head of a temporary organization may procure for the orga-
9 nization temporary and intermittent services under section
10 3109(b) of this title.

11 “(i) *ACCEPTANCE OF VOLUNTEER SERVICES.*—(1) The
12 head of a temporary organization may accept volunteer
13 services appropriate to the duties of the organization with-
14 out regard to section 1342 of title 31.

15 “(2) Donors of voluntary services accepted for a tem-
16 porary organization under this subsection may include the
17 following:

18 “(A) Advisors.

19 “(B) Experts.

20 “(C) Members of the commission, committee,
21 board, or other temporary organization, as the case
22 may be.

23 “(D) A person performing services in any other
24 capacity determined appropriate by the head of the
25 temporary organization.

1 “(3) *The head of the temporary organization—*

2 “(A) *shall ensure that each person performing*
3 *voluntary services accepted under this subsection is*
4 *notified of the scope of the voluntary services accepted;*

5 “(B) *shall supervise the volunteer to the same ex-*
6 *tent as employees receiving compensation for similar*
7 *services; and*

8 “(C) *shall ensure that the volunteer has appro-*
9 *priate credentials or is otherwise qualified to perform*
10 *in each capacity for which the volunteer’s services are*
11 *accepted.*

12 “(4) *A person providing volunteer services accepted*
13 *under this subsection shall be considered an employee of the*
14 *Federal Government in the performance of those services for*
15 *the purposes of the following provisions of law:*

16 “(A) *Chapter 81 of this title, relating to com-*
17 *penetration for work-related injuries.*

18 “(B) *Chapter 171 of title 28, relating to tort*
19 *claims.*

20 “(C) *Chapter 11 of title 18, relating to conflicts*
21 *of interest.”.*

22 (b) *CLERICAL AMENDMENT.—The table of sections at*
23 *the beginning of such chapter is amended by adding at the*
24 *end the following:*

“SUBCHAPTER IV—TEMPORARY ORGANIZATIONS ESTABLISHED BY
LAW OR EXECUTIVE ORDER

“Sec.

“3161. *Employment and compensation of employees.*”.

1 **SEC. 1107. EXTENSION OF AUTHORITY FOR VOLUNTARY**
2 **SEPARATIONS IN REDUCTIONS IN FORCE.**

3 *Section 3502(f)(5) of title 5, United States Code, is*
4 *amended by striking “September 30, 2001” and inserting*
5 *“September 30, 2005”.*

6 **SEC. 1108. ELECTRONIC MAINTENANCE OF PERFORMANCE**
7 **APPRAISAL SYSTEMS.**

8 *Section 4302 of title 5, United States Code, is amended*
9 *by adding at the end the following:*

10 *“(c) The head of an agency may administer and main-*
11 *tain its performance appraisal systems electronically in ac-*
12 *cordance with regulations which the Office shall prescribe.”.*

13 **SEC. 1109. APPROVAL AUTHORITY FOR CASH AWARDS IN**
14 **EXCESS OF \$10,000.**

15 *Section 4502 of title 5, United States Code, is amended*
16 *by adding at the end the following:*

17 *“(f) The Secretary of Defense may grant a cash award*
18 *under subsection (b) of this section without regard to the*
19 *requirements for certification and approval provided in*
20 *that subsection.”.*

21 **SEC. 1110. LEAVE FOR CREWS OF CERTAIN VESSELS.**

22 *Section 6305(c)(2) of title 5, United States Code, is*
23 *amended to read as follows:*

1 “(2) may not be made the basis for a lump-sum
 2 payment, except that civil service mariners of the
 3 Military Sealift Command on temporary promotion
 4 aboard ship may be paid the difference between their
 5 temporary and permanent rates of pay for leave ac-
 6 crued and not otherwise used during the temporary
 7 promotion upon the expiration or termination of the
 8 temporary promotion; and”.

9 **SEC. 1111. LIFE INSURANCE FOR EMERGENCY ESSENTIAL**
 10 **DEPARTMENT OF DEFENSE EMPLOYEES.**

11 Section 8702 of title 5, United States Code, is amended
 12 by adding at the end the following new subsection:

13 “(c) Notwithstanding a notice previously given under
 14 subsection (b), an employee of the Department of Defense
 15 who is designated as an emergency essential employee under
 16 section 1580 of title 10 shall be insured if the employee,
 17 within 60 days after the date of the designation, elects to
 18 be insured under a policy of insurance under this chapter.
 19 An election under the preceding sentence shall be effective
 20 when provided to the Office in writing, in the form pre-
 21 scribed by the Office, within such 60-day period.”.

22 **SEC. 1112. CIVILIAN PERSONNEL SERVICES PUBLIC-PRI-**
 23 **VATE COMPETITION PILOT PROGRAM.**

24 (a) *PROGRAM REQUIRED.*—The Secretary of Defense
 25 shall establish a pilot program to assess the extent to which

1 *the effectiveness and efficiency of the performance of civilian*
2 *personnel services for the Department of Defense could be*
3 *increased by conducting competitions for the performance*
4 *of such services between the public and private sectors. The*
5 *pilot program under this section shall be known as the “Ci-*
6 *vilian Personnel Services Public-Private Competition Pro-*
7 *gram”.*

8 (b) *CIVILIAN PERSONNEL REGIONS TO BE IN-*
9 *CLUDED.—(1) The pilot program shall be carried out in*
10 *four civilian personnel regions, as follows:*

11 (A) *In one region, for the civilian personnel serv-*
12 *ices for the Department of the Army.*

13 (B) *In two regions, for the civilian personnel*
14 *services for the Department of the Navy.*

15 (C) *In one region, for the civilian personnel serv-*
16 *ices for any military department or for any organiza-*
17 *tion within the Department of Defense that is not*
18 *within a military department.*

19 (2) *The Secretary shall designate the regions to par-*
20 *ticipate in the pilot program. The Secretary shall select the*
21 *regions for designation from among the regions where the*
22 *conduct of civilian personnel operations are most conducive*
23 *to public-private competition. In making the selections, the*
24 *Secretary shall consult with the Secretary of the Army, the*

1 *Secretary of the Navy, and the Director of Washington*
2 *Headquarters Services.*

3 (c) *RIGHT OF FIRST REFUSAL FOR DISPLACE FED-*
4 *ERAL EMPLOYEES.—The Secretary of Defense shall take the*
5 *actions necessary to ensure that, in the case of a conversion*
6 *to private sector performance under the pilot program, em-*
7 *ployees of the United States who are displaced by the con-*
8 *version have the right of first refusal for jobs for which they*
9 *are qualified that are created by the conversion.*

10 (d) *DURATION AND COVERAGE OF THE PROGRAM.—*
11 *The pilot program shall be carried out during the period*
12 *beginning on October 1, 2000, and ending on December 31,*
13 *2004.*

14 (e) *AUTHORITY TO EXPAND PROGRAM.—The Sec-*
15 *retary may expand the pilot program to include other re-*
16 *gions.*

17 (f) *REPORT.—Not later than February 1, 2005, the*
18 *Secretary shall submit a report on the pilot program to the*
19 *Committees on Armed Services of the Senate and the House*
20 *of Representatives. The report shall include the following:*

21 (1) *The Secretary's assessment of the value of the*
22 *actions taken in the administration of the pilot pro-*
23 *gram for increasing the effectiveness and efficiency of*
24 *the performance of civilian personnel services for the*
25 *Department of Defense in the regions covered by the*

1 *pilot program, as compared to the performance of ci-*
 2 *vilian personnel services for the department in re-*
 3 *gions not included in the pilot program.*

4 *(2) Any recommendations for legislation or other*
 5 *action that the Secretary considers appropriate to in-*
 6 *crease the effectiveness and efficiency of the perform-*
 7 *ance of civilian personnel services for the Department*
 8 *of Defense in all regions.*

9 **SEC. 1113. EXTENSION, EXPANSION, AND REVISION OF AU-**
 10 **THORITY FOR EXPERIMENTAL PERSONNEL**
 11 **PROGRAM FOR SCIENTIFIC AND TECHNICAL**
 12 **PERSONNEL.**

13 *(a) EXTENSION OF PROGRAM.—Section 1101 of the*
 14 *Strom Thurmond National Defense Authorization Act for*
 15 *Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2139;*
 16 *5 U.S.C. 3104 note) is amended—*

17 *(1) in subsection (a), by striking “the 5-year pe-*
 18 *riod beginning on the date of the enactment of this*
 19 *Act” and inserting “the program period specified in*
 20 *subsection (e)(1)”;*

21 *(2) in subsection (e), by striking paragraph (1)*
 22 *and inserting the following:*

23 *“(1) The period for carrying out the program author-*
 24 *ized under this section begins on October 17, 1998, and ends*
 25 *on October 16, 2005.”; and*

1 (3) in subsection (f), by striking “on the day be-
2 fore the termination of the program” and inserting
3 “on the last day of the program period specified in
4 subsection (e)(1)”.

5 (b) *EXPANSION OF SCOPE*.—Subsection (a) of such sec-
6 tion, as amended by subsection (a)(1) of this section, is fur-
7 ther amended by inserting before the period at the end the
8 following: “and research and development projects adminis-
9 tered by laboratories designated for the program by the Sec-
10 retary from among the laboratories of each of the military
11 departments”.

12 (c) *LIMITATION ON NUMBER OF APPOINTMENTS*.—
13 Subsection (b)(1) of such section is amended to read as fol-
14 lows:

15 “(1) without regard to any provision of title 5,
16 United States Code, governing the appointment of
17 employees in the civil service, appoint scientists and
18 engineers from outside the civil service and uniformed
19 services (as such terms are defined in section 2101 of
20 such title) to—

21 “(A) not more than 40 scientific and engi-
22 neering positions in the Defense Advanced Re-
23 search Projects Agency;

1 “(B) not more than 40 scientific and engi-
 2 neering positions in the designated laboratories
 3 of each of the military services; and

4 “(C) not more than a total of 10 scientific
 5 and engineering positions in the National Im-
 6 agery and Mapping Agency and the National
 7 Security Agency.”.

8 (d) *RATES OF PAY FOR APPOINTEES.*—Subsection
 9 (b)(2) of such section is amended by inserting after “United
 10 States Code,” the following: “as increased by locality-based
 11 comparability payments under section 5304 of such title,”.

12 (e) *COMMENSURATE EXTENSION OF REQUIREMENT*
 13 *FOR ANNUAL REPORT.*—Subsection (g) of such section is
 14 amended by striking “2004” and inserting “2006”.

15 (f) *AMENDMENT OF SECTION HEADING.*—The heading
 16 for such section is amended to read as follows:

17 **“SEC. 1101. EXPERIMENTAL PERSONNEL PROGRAM FOR**
 18 **SCIENTIFIC AND TECHNICAL PERSONNEL.”.**

19 **SEC. 1114. CLARIFICATION OF PERSONNEL MANAGEMENT**
 20 **AUTHORITY UNDER A PERSONNEL DEM-**
 21 **ONSTRATION PROJECT.**

22 Section 342(b) of the National Defense Authorization
 23 Act for Fiscal Year 1995 is amended—

24 (1) by striking the last sentence of paragraph
 25 (4); and

1 (2) *by adding at the end the following:*

2 “(5) *The employees of a laboratory covered by a per-*
3 *sonnel demonstration project under this section shall be*
4 *managed by the director of the laboratory subject to the su-*
5 *pervision of the Under Secretary of Defense for Acquisition,*
6 *Technology, and Logistics. Notwithstanding any other pro-*
7 *vision of law, the director of the laboratory is authorized*
8 *to appoint individuals to positions in the laboratory, and*
9 *to fix the compensation of such individuals for service in*
10 *those positions, under the demonstration project without the*
11 *review or approval of any official or agency other than the*
12 *Under Secretary.”.*

13 **SEC. 1115. EXTENSION OF AUTHORITY FOR VOLUNTARY**
14 **SEPARATIONS IN REDUCTIONS IN FORCE.**

15 *Section 3502(f)(5) of title 5, United States Code, is*
16 *amended by striking “September 30, 2001” and inserting*
17 *“September 30, 2005”.*

18 **SEC. 1116. EXTENSION, REVISION, AND EXPANSION OF AU-**
19 **THORITIES FOR USE OF VOLUNTARY SEPARA-**
20 **TION INCENTIVE PAY AND VOLUNTARY**
21 **EARLY RETIREMENT.**

22 *(a) EXTENSION OF AUTHORITY.—Subsection (e) of sec-*
23 *tion 5597 of title 5, United States Code, is amended by*
24 *striking “September 30, 2003” and inserting “September*
25 *30, 2005”.*

1 (b) *REVISION AND ADDITION OF PURPOSES FOR DE-*
2 *PARTMENT OF DEFENSE VSIP.*—Subsection (b) of such sec-
3 *tion is amended by inserting after “transfer of function,”*
4 *the following: “restructuring of the workforce (to meet mis-*
5 *sion needs, achieve one or more strength reductions, correct*
6 *skill imbalances, or reduce the number of high-grade, mana-*
7 *gerial, or supervisory positions in accordance with the stra-*
8 *tegic plan required under section 1118 of the National De-*
9 *fense Authorization Act for Fiscal Year 2001),”.*

10 (c) *ELIGIBILITY.*—Subsection (c) of such section is
11 *amended—*

12 (1) *in paragraph (2), by inserting “objective and*
13 *nonpersonal” after “similar”; and*

14 (2) *by adding at the end the following:*
15 *“A determination of which employees are within the scope*
16 *of an offer of separation pay shall be made only on the*
17 *basis of consistent and well-documented application of the*
18 *relevant criteria.”.*

19 (d) *INSTALLMENT PAYMENTS.*—Subsection (d) of such
20 *section is amended—*

21 (1) *by striking paragraph (1) and inserting the*
22 *following:*

23 *“(1) shall be paid in a lump-sum or in install-*
24 *ments;”;*

1 (2) by striking “and” at the end of paragraph
2 (3);

3 (3) by striking the period at the end of para-
4 graph (4) and inserting “; and”; and

5 (4) by adding at the end the following:

6 “(5) if paid in installments, shall cease to be
7 paid upon the recipient’s acceptance of employment
8 by the Federal Government, or commencement of work
9 under a personal services contract, as described in
10 subsection (g)(1).”.

11 (e) *APPLICABILITY OF REPAYMENT REQUIREMENT TO*
12 *REEMPLOYMENT UNDER PERSONAL SERVICES CON-*
13 *TRACTS.*—Subsection (g)(1) of such section is amended by
14 inserting after “employment with the Government of the
15 United States” the following: “, or who commences work
16 for an agency of the United States through a personal serv-
17 ices contract with the United States,”.

18 **SEC. 1117. DEPARTMENT OF DEFENSE EMPLOYEE VOL-**
19 **UNTARY EARLY RETIREMENT AUTHORITY.**

20 (a) *CIVIL SERVICE RETIREMENT SYSTEM.*—Section
21 8336 of title 5, United States Code, is amended—

22 (1) in subsection (d)(2), by inserting “except in
23 the case of an employee described in subsection
24 (o)(1),” after “(2)”; and

25 (2) by adding at the end the following:

1 “(o)(1) *An employee of the Department of Defense who,*
2 *before October 1, 2005, is separated from the service after*
3 *completing 25 years of service or after becoming 50 years*
4 *of age and completing 20 years of service is entitled to an*
5 *immediate annuity under this subchapter if the employee*
6 *is eligible for the annuity under paragraph (2) or (3).*

7 “(2)(A) *An employee referred to in paragraph (1) is*
8 *eligible for an immediate annuity under this paragraph if*
9 *the employee—*

10 “(i) *is separated from the service involuntarily*
11 *other than for cause; and*

12 “(ii) *has not declined a reasonable offer of an-*
13 *other position in the Department of Defense for which*
14 *the employee is qualified, which is not lower than 2*
15 *grades (or pay levels) below the employee’s grade (or*
16 *pay level), and which is within the employee’s com-*
17 *muting area.*

18 “(B) *For the purposes of paragraph (2)(A)(i), a sepa-*
19 *ration for failure to accept a directed reassignment to a*
20 *position outside the commuting area of the employee con-*
21 *cerned or to accompany a position outside of such area pur-*
22 *suant to a transfer of function may not be considered to*
23 *be a removal for cause.*

1 “(3) *An employee referred to in paragraph (1) is eligi-*
2 *ble for an immediate annuity under this paragraph if the*
3 *employee satisfies all of the following conditions:*

4 “(A) *The employee is separated from the service*
5 *voluntarily during a period in which the organiza-*
6 *tion within the Department of Defense in which the*
7 *employee is serving is undergoing a major organiza-*
8 *tional adjustment.*

9 “(B) *The employee has been employed continu-*
10 *ously by the Department of Defense for more than 30*
11 *days before the date on which the head of the employ-*
12 *ee’s organization requests the determinations required*
13 *under subparagraph (A).*

14 “(C) *The employee is serving under an appoint-*
15 *ment that is not limited by time.*

16 “(D) *The employee is not in receipt of a decision*
17 *notice of involuntary separation for misconduct or*
18 *unacceptable performance.*

19 “(E) *The employee is within the scope of an offer*
20 *of voluntary early retirement, as defined on the basis*
21 *of one or more of the following objective criteria:*

22 “(i) *One or more organizational units.*

23 “(ii) *One or more occupational groups, se-*
24 *ries, or levels.*

25 “(iii) *One or more geographical locations.*

1 “(iv) *Any other similar objective and non-*
2 *personal criteria that the Office of Personnel*
3 *Management determines appropriate.*

4 “(4) *Under regulations prescribed by the Office of Per-*
5 *sonnel Management, the determinations of whether an em-*
6 *ployee meets—*

7 “(A) *the requirements of subparagraph (A) of*
8 *paragraph (3) shall be made by the Office, upon the*
9 *request of the Secretary of Defense; and*

10 “(B) *the requirements of subparagraph (E) of*
11 *such paragraph shall be made by the Secretary of De-*
12 *fense.*

13 “(5) *A determination of which employees are within*
14 *the scope of an offer of early retirement shall be made only*
15 *on the basis of consistent and well-documented application*
16 *of the relevant criteria.*

17 “(6) *In this subsection, the term ‘major organizational*
18 *adjustment’ means any of the following:*

19 “(A) *A major reorganization.*

20 “(B) *A major reduction in force.*

21 “(C) *A major transfer of function.*

22 “(D) *A workforce restructuring—*

23 “(i) *to meet mission needs;*

24 “(ii) *to achieve one or more reductions in*
25 *strength;*

1 “(iii) to correct skill imbalances; or

2 “(iv) to reduce the number of high-grade,
3 managerial, supervisory, or similar positions.”.

4 (b) *FEDERAL EMPLOYEES’ RETIREMENT SYSTEM*.—

5 Section 8414 of such title is amended—

6 (1) in subsection (b)(1)(B), by inserting “except
7 in the case of an employee described in subsection
8 (d)(1),” after “(B)”; and

9 (2) by adding at the end the following:

10 “(d)(1) An employee of the Department of Defense who,
11 before October 1, 2005, is separated from the service after
12 completing 25 years of service or after becoming 50 years
13 of age and completing 20 years of service is entitled to an
14 immediate annuity under this subchapter if the employee
15 is eligible for the annuity under paragraph (2) or (3).

16 “(2)(A) An employee referred to in paragraph (1) is
17 eligible for an immediate annuity under this paragraph if
18 the employee—

19 “(i) is separated from the service involuntarily
20 other than for cause; and

21 “(ii) has not declined a reasonable offer of an-
22 other position in the Department of Defense for which
23 the employee is qualified, which is not lower than 2
24 grades (or pay levels) below the employee’s grade (or

1 *pay level), and which is within the employee's com-*
2 *muting area.*

3 *“(B) For the purposes of paragraph (2)(A)(i), a sepa-*
4 *ration for failure to accept a directed reassignment to a*
5 *position outside the commuting area of the employee con-*
6 *cerned or to accompany a position outside of such area pur-*
7 *suant to a transfer of function may not be considered to*
8 *be a removal for cause.*

9 *“(3) An employee referred to in paragraph (1) is eligi-*
10 *ble for an immediate annuity under this paragraph if the*
11 *employee satisfies all of the following conditions:*

12 *“(A) The employee is separated from the service*
13 *voluntarily during a period in which the organiza-*
14 *tion within the Department of Defense in which the*
15 *employee is serving is undergoing a major organiza-*
16 *tional adjustment.*

17 *“(B) The employee has been employed continu-*
18 *ously by the Department of Defense for more than 30*
19 *days before the date on which the head of the employ-*
20 *ee's organization requests the determinations required*
21 *under subparagraph (A).*

22 *“(C) The employee is serving under an appoint-*
23 *ment that is not limited by time.*

1 “(D) *The employee is not in receipt of a decision*
2 *notice of involuntary separation for misconduct or*
3 *unacceptable performance.*

4 “(E) *The employee is within the scope of an offer*
5 *of voluntary early retirement, as defined on the basis*
6 *of one or more of the following objective criteria:*

7 “(i) *One or more organizational units.*

8 “(ii) *One or more occupational groups, se-*
9 *ries, or levels.*

10 “(iii) *One or more geographical locations.*

11 “(iv) *Any other similar objective and non-*
12 *personal criteria that the Office of Personnel*
13 *Management determines appropriate.*

14 “(4) *Under regulations prescribed by the Office of Per-*
15 *sonnel Management, the determinations of whether an em-*
16 *ployee meets—*

17 “(A) *the requirements of subparagraph (A) of*
18 *paragraph (3) shall be made by the Office upon the*
19 *request of the Secretary of Defense; and*

20 “(B) *the requirements of subparagraph (E) of*
21 *such paragraph shall be made by the Secretary of De-*
22 *fense.*

23 “(5) *A determination of which employees are within*
24 *the scope of an offer of early retirement shall be made only*

1 *on the basis of consistent and well-documented application*
 2 *of the relevant criteria.*

3 “(6) *In this subsection, the term ‘major organizational*
 4 *adjustment’ means any of the following:*

5 “(A) *A major reorganization.*

6 “(B) *A major reduction in force.*

7 “(C) *A major transfer of function.*

8 “(D) *A workforce restructuring—*

9 “(i) *to meet mission needs;*

10 “(ii) *to achieve one or more reductions in*
 11 *strength;*

12 “(iii) *to correct skill imbalances; or*

13 “(iv) *to reduce the number of high-grade,*
 14 *managerial, supervisory, or similar positions.”.*

15 (c) *CONFORMING AMENDMENTS.—(1) Section 8339(h)*
 16 *of such title is amended by striking out “or (j)” in the first*
 17 *sentence and inserting “(j), or (o)”.*

18 (2) *Section 8464(a)(1)(A)(i) of such title is amended*
 19 *by striking out “or (b)(1)(B)” and “; (b)(1)(B), or (d)”.*

20 (d) *EFFECTIVE DATE; APPLICABILITY.—The amend-*
 21 *ments made by this section—*

22 (1) *shall take effect on October 1, 2000; and*

23 (2) *shall apply with respect to an approval for*
 24 *voluntary early retirement made on or after that*
 25 *date.*

1 **SEC. 1118. RESTRICTIONS ON PAYMENTS FOR ACADEMIC**
2 **TRAINING.**

3 (a) *SOURCES OF POSTSECONDARY EDUCATION.*—Sub-
4 section (a) of section 4107 of title 5, United States Code,
5 is amended—

6 (1) by striking “or” at the end of paragraph (1);

7 (2) by striking the period at the end of para-
8 graph (2) and inserting “; or”; and

9 (3) by adding at the end the following:

10 “(3) any course of postsecondary education that
11 is administered or conducted by an institution not
12 accredited by a national or regional accrediting body
13 (except in the case of a course or institution for which
14 standards for accrediting do not exist or are deter-
15 mined by the head of the employee’s agency as being
16 inappropriate), regardless of whether the course is
17 provided by means of classroom instruction, electronic
18 instruction, or otherwise.”.

19 (b) *WAIVER OF RESTRICTION ON DEGREE TRAIN-*
20 *ING.*—Subsection (b)(1) of such section is amended by strik-
21 ing “if necessary” and all that follows through the end and
22 inserting “if the training provides an opportunity for an
23 employee of the agency to obtain an academic degree pursu-
24 ant to a planned, systematic, and coordinated program of
25 professional development approved by the head of the agen-
26 cy.”.

1 (c) *CONFORMING AND CLERICAL AMENDMENTS.*—The
 2 *heading for such section is amended to read as follows:*

3 **“§4107. Restrictions”.**

4 (3) *The item relating to such section in the table of*
 5 *sections at the beginning of chapter 41 of title 5, United*
 6 *States Code, is amended to read as follows:*

 “4107. Restrictions.”.

7 **SEC. 1119. STRATEGIC PLAN.**

8 (a) *REQUIREMENT FOR PLAN.*—Not later than six
 9 months after the date of the enactment of this Act, and be-
 10 fore exercising any of the authorities provided or extended
 11 by the amendments made by sections 1115 through 1117,
 12 the Secretary of Defense shall submit to the appropriate
 13 committees of Congress a strategic plan for the exercise of
 14 such authorities. The plan shall include an estimate of the
 15 number of Department of Defense employees that would be
 16 affected by the uses of authorities as described in the plan.

17 (b) *CONSISTENCY WITH DoD PERFORMANCE AND RE-*
 18 *VIEW STRATEGIC PLAN.*—The strategic plan submitted
 19 under subsection (a) shall be consistent with the strategic
 20 plan of the Department of Defense that is in effect under
 21 section 306 of title 5, United States Code.

22 (c) *APPROPRIATE COMMITTEES.*—For the purposes of
 23 this section, the appropriate committees of Congress are as
 24 follows:

1 (1) *The Committee on Armed Services and the*
 2 *Committee on Governmental Affairs of the Senate.*

3 (2) *The Committee on Armed Services and the*
 4 *Committee on Government Reform of the House of*
 5 *Representatives.*

6 ***TITLE XII—MATTERS RELATING***
 7 ***TO OTHER NATIONS***

8 ***SEC. 1201. AUTHORITY TO TRANSFER NAVAL VESSELS TO***
 9 ***CERTAIN FOREIGN COUNTRIES.***

10 (a) *AUTHORITY TO TRANSFER.—*

11 (1) *AUSTRALIA.—The Secretary of the Navy is*
 12 *authorized to transfer to the Government of Australia*
 13 *the “KIDD” class guided missile destroyers KIDD*
 14 *(DDG 993), CALLAGHAN (DDG 994), SCOTT*
 15 *(DDG 995), and CHANDLER (DDG 996). Each such*
 16 *transfer shall be on a combined lease-sale basis under*
 17 *sections 61 and 21 of the Arms Export Control Act*
 18 *(22 U.S.C. 2796 and 2761).*

19 (2) *BRAZIL.—The Secretary of the Navy is au-*
 20 *thorized to transfer to the Government of Brazil the*
 21 *“THOMASTON” class dock landing ships ALAMO*
 22 *(LSD 33) and HERMITAGE (LSD 34), and the*
 23 *“GARCIA” class frigates BRADLEY (FF 1041), DA-*
 24 *VIDSON (FF 1045), SAMPLE (FF 1048) and AL-*
 25 *BERT DAVID (FF 1050). Each such transfer shall*

1 *be on a grant basis under section 516 of the Foreign*
2 *Assistance Act of 1961 (22 U.S.C. 2321j).*

3 (3) *CHILE.*—*The Secretary of the Navy is au-*
4 *thorized to transfer to the Government of Chile the*
5 *“OLIVER HAZARD PERRY” class guided missile*
6 *frigates WADSWORTH (FFG 9), and ESTOCIN*
7 *(FFG 15). Each such transfer shall be on a combined*
8 *lease-sale basis under sections 61 and 21 of the Arms*
9 *Export Control Act (22 U.S.C. 2796 and 2761).*

10 (4) *EGYPT.*—*The Secretary of the Navy is au-*
11 *thorized to transfer to the Government of Egypt the*
12 *“DIXIE” class destroyer tender YOSEMITE (AD 19).*
13 *The transfer shall be on a grant basis under section*
14 *516 of the Foreign Assistance Act of 1961 (22 U.S.C.*
15 *2321j).*

16 (5) *GREECE.*—*The Secretary of the Navy is au-*
17 *thorized to transfer to the Government of Greece the*
18 *“KNOX” class frigates VREELAND (FF 1068) and*
19 *TRIPPE (FF 1075). Each such transfer shall be on*
20 *a grant basis under section 516 of the Foreign Assist-*
21 *ance Act of 1961 (22 U.S.C. 2321j).*

22 (6) *TURKEY.*—(A) *The Secretary of the Navy is*
23 *authorized to transfer to the Government of Turkey*
24 *the “OLIVER HAZARD PERRY” class guided mis-*
25 *sile frigates JOHN A. MOORE (FFG 19) and*

1 *FLATLEY (FFG 21). Each transfer under the au-*
 2 *thority of this subsection shall be on a combined lease-*
 3 *sale basis under sections 61 and 21 of the Arms Ex-*
 4 *port Control Act (22 U.S.C. 2796 and 2761).*

5 *(B) The authority provided under subparagraph*
 6 *(A) is in addition to the authority provided under*
 7 *section 1018(a)(9) of Public Law 106–65 (113 Stat.*
 8 *745) for the Secretary of the Navy to transfer such*
 9 *vessels to the Government of Turkey on a sale basis*
 10 *under section 21 of the Arms Export Control Act (22*
 11 *U.S.C. 2761).*

12 *(b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF*
 13 *TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of*
 14 *a vessel transferred to another country on a grant basis*
 15 *under section 516 of the Foreign Assistance Act of 1961 (22*
 16 *U.S.C. 2321j) pursuant to authority provided by subsection*
 17 *(a) shall not be counted for the purposes of subsection (g)*
 18 *of that section in the aggregate value of excess defense arti-*
 19 *cles transferred to countries under that section in any fiscal*
 20 *year.*

21 *(c) COSTS OF TRANSFERS.—Any expense incurred by*
 22 *the United States in connection with a transfer authorized*
 23 *by this section shall be charged to the recipient (notwith-*
 24 *standing section 516(e)(1) of the Foreign Assistance Act of*

1 1961 (22 U.S.C. 2321j(e)(1)) in the case of a transfer au-
2 thorized to be made on a grant basis under subsection (a)).

3 (d) *REPAIR AND REFURBISHMENT IN UNITED STATES*
4 *SHIPYARDS.*—To the maximum extent practicable, the Sec-
5 retary of the Navy shall require, as a condition of the trans-
6 fer of a vessel under this section, that the country to which
7 the vessel is transferred have such repair or refurbishment
8 of the vessel as is needed, before the vessel joins the naval
9 forces of that country, performed at a shipyard located in
10 the United States, including a United States Navy ship-
11 yard.

12 (e) *CONDITIONS RELATING TO COMBINED LEASE-SALE*
13 *TRANSFERS.*—A transfer of a vessel on a combined lease-
14 sale basis authorized by subsection (a) shall be made in ac-
15 cordance with the following requirements:

16 (1) *The Secretary of the Navy may initially*
17 *transfer the vessel by lease, with lease payments sus-*
18 *pending for the term of the lease, if the country enter-*
19 *ing into the lease for the vessel simultaneously enters*
20 *into a foreign military sales agreement for the trans-*
21 *fer of title to the vessel.*

22 (2) *The Secretary may not deliver to the pur-*
23 *chasing country title to the vessel until the purchase*
24 *price of the vessel under such a foreign military sales*
25 *agreement is paid in full.*

1 (3) Upon payment of the purchase price in full
2 under such a sales agreement and delivery of title to
3 the recipient country, the Secretary shall terminate
4 the lease.

5 (4) If the purchasing country fails to make full
6 payment of the purchase price in accordance with the
7 sales agreement by the date required under the sales
8 agreement—

9 (A) the sales agreement shall be imme-
10 diately terminated;

11 (B) the suspension of lease payments under
12 the lease shall be vacated; and

13 (C) the United States shall be entitled to re-
14 tain all funds received on or before the date of
15 the termination under the sales agreement, up to
16 the amount of the lease payments due and pay-
17 able under the lease and all other costs required
18 by the lease to be paid to that date.

19 (5) If a sales agreement is terminated pursuant
20 to paragraph (4), the United States shall not be re-
21 quired to pay any interest to the recipient country on
22 any amount paid to the United States by the recipi-
23 ent country under the sales agreement and not re-
24 tained by the United States under the lease.

1 (f) *AUTHORIZATION OF APPROPRIATIONS FOR COSTS*
2 *OF LEASE-SALE TRANSFERS.*—*There is hereby authorized*
3 *to be appropriated into the Defense Vessels Transfer Pro-*
4 *gram Account such sums as may be necessary for paying*
5 *the costs (as defined in section 502 of the Congressional*
6 *Budget Act of 1974 (2 U.S.C. 661a)) of the lease-sale trans-*
7 *fers authorized by subsection (a). Amounts so appropriated*
8 *shall be available only for the purpose of paying those costs.*

9 (g) *EXPIRATION OF AUTHORITY.*—*The authority pro-*
10 *vided under subsection (a) shall expire at the end of the*
11 *two-year period beginning on the date of the enactment of*
12 *this Act.*

13 **SEC. 1202. SUPPORT OF UNITED NATIONS-SPONSORED EF-**
14 **FORTS TO INSPECT AND MONITOR IRAQI**
15 **WEAPONS ACTIVITIES.**

16 (a) *LIMITATION ON AMOUNT OF ASSISTANCE IN FIS-*
17 *CAL YEAR 2001.*—*The total amount of the assistance for*
18 *fiscal year 2001 that is provided by the Secretary of Defense*
19 *under section 1505 of the Weapons of Mass Destruction*
20 *Control Act of 1992 (22 U.S.C. 5859a) as activities of the*
21 *Department of Defense in support of activities under that*
22 *Act may not exceed \$15,000,000.*

23 (b) *EXTENSION OF AUTHORITY TO PROVIDE ASSIST-*
24 *ANCE.*—*Subsection (f) of section 1505 of the Weapons of*

1 *Mass Destruction Control Act of 1992 (22 U.S.C. 5859a)*
 2 *is amended by striking “2000” and inserting “2001”.*

3 **SEC. 1203. REPEAL OF RESTRICTION PREVENTING COOPER-**
 4 **ATIVE AIRLIFT SUPPORT THROUGH ACQUISI-**
 5 **TION AND CROSS-SERVICING AGREEMENTS.**

6 *Section 2350c of title 10, United States Code, is*
 7 *amended—*

8 *(1) by striking subsection (d); and*

9 *(2) by redesignating subsection (e) as subsection*
 10 *(d).*

11 **SEC. 1204. WESTERN HEMISPHERE INSTITUTE FOR PROFES-**
 12 **SIONAL EDUCATION AND TRAINING.**

13 *(a) IN GENERAL.—Chapter 108 of title 10, United*
 14 *States Code, is amended by adding at the end the following:*

15 **“§2166. Western Hemisphere Institute for Professional**
 16 **Education and Training**

17 *“(a) ESTABLISHMENT AND ADMINISTRATION.—(1) The*
 18 *Secretary of Defense may operate an education and train-*
 19 *ing facility for the purpose set forth in subsection (b). The*
 20 *facility may be called the Western Hemisphere Institute for*
 21 *Professional Education and Training.*

22 *“(2) The Secretary may designate the Secretary of a*
 23 *military department as the Department of Defense executive*
 24 *agent for carrying out the responsibilities of the Secretary*
 25 *of Defense under this section.*

1 “(b) *PURPOSE.*—*The purpose of the Institute is to pro-*
2 *vide professional education and training to eligible per-*
3 *sonnel of the Western Hemisphere within the context of the*
4 *democratic principles set forth in the Charter of the Organi-*
5 *zation of American States and supporting agreements,*
6 *while fostering mutual knowledge, transparency, confidence,*
7 *and cooperation among the participating nations and pro-*
8 *moting democratic values, respect for human rights, and*
9 *knowledge and understanding of United States customs and*
10 *traditions.*

11 “(c) *ELIGIBLE PERSONNEL.*—(1) *Subject to paragraph*
12 *(2), personnel of the Western Hemisphere are eligible for*
13 *education and training at the Institute as follows:*

14 “(A) *Military personnel.*

15 “(B) *Law enforcement personnel.*

16 “(C) *Civilians, whether or not employed by a*
17 *government of the Western Hemisphere.*

18 “(2) *The selection of foreign personnel for education*
19 *or training at the Institute is subject to the approval of*
20 *the Secretary of State.*

21 “(d) *CURRICULUM.*—(1) *The curriculum of the Insti-*
22 *tute shall include mandatory instruction for each student,*
23 *for at least 8 hours, on human rights, the rule of law, due*
24 *process, civilian control of the military, and the role of the*
25 *military in a democratic society.*

1 “(2) *The curriculum may include instruction and*
2 *other educational and training activities on the following:*

3 “(A) *Leadership development.*

4 “(B) *Counterdrug operations.*

5 “(C) *Peace support operations.*

6 “(D) *Disaster relief.*

7 “(E) *Any other matters that the Secretary deter-*
8 *mines appropriate.*

9 “(e) *BOARD OF VISITORS.—(1) There shall be a Board*
10 *of Visitors for the Institute. The Board shall be composed*
11 *of the following:*

12 “(A) *Two members of the Senate designated by*
13 *the President pro tempore of the Senate.*

14 “(B) *Two members of the House of Representa-*
15 *tives designated by the Speaker of the House of Rep-*
16 *resentatives.*

17 “(C) *Six persons designated by the Secretary of*
18 *Defense including, to the extent practicable, at least*
19 *one member from academia, one member from the re-*
20 *ligious community, and one member from the human*
21 *rights community.*

22 “(D) *One person designated by the Secretary of*
23 *State.*

1 “(E) For each of the armed forces, the senior
2 military officer responsible for training and doctrine
3 or a designee of that officer.

4 “(F) The Commander in Chief of the United
5 States Southern Command or a designee of that offi-
6 cer.

7 “(2) The members of the Board shall serve for 2 years
8 except for the members referred to in subparagraphs (A)
9 and (B) of paragraph (1) who may serve until a successor
10 is designated.

11 “(3) A vacancy in a position of membership on the
12 Board shall be filled in the same manner as the position
13 was originally filled.

14 “(4) The Board shall meet at least once each year.

15 “(5)(A) The Board shall inquire into the curriculum,
16 instruction, physical equipment, fiscal affairs, academic
17 methods, and other matters relating to the Institute that
18 the Board decides to consider.

19 “(B) The Board shall review the curriculum of the In-
20 stitute to determine whether—

21 “(i) the curriculum complies with applicable
22 United States laws and regulations;

23 “(ii) the curriculum is consistent with United
24 States policy goals toward Latin America and the
25 Caribbean;

1 “(iii) the curriculum adheres to current United
2 States doctrine; and

3 “(iv) the instruction under the curriculum ap-
4 propriately emphasizes the matters described in sub-
5 section (d)(1).

6 “(6) Not later than 60 days after its annual meeting,
7 the Board shall submit to the Secretary of Defense a written
8 report of its action and of its views and recommendations
9 pertaining to the Institute.

10 “(7) Members of the Board may not be compensated
11 for service on the Board. In the case of officers or employees
12 of the United States serving on the Board as part of their
13 official duties, compensation paid to the members as officers
14 or employees of the United States shall not be considered
15 compensation for service on the Board.

16 “(8) With the approval of the Secretary of Defense, the
17 Board may accept and use the services of voluntary and
18 noncompensated advisers appropriate to the duties of the
19 Board without regard to section 1342 of title 31.

20 “(9) Members of the Board and advisers whose services
21 are accepted under paragraph (8) shall be allowed travel
22 and transportation expenses, including per diem in lieu of
23 subsistence, while away from their homes or regular places
24 of business in the performance of services for the Board.
25 Allowances under this paragraph shall be computed—

1 “(A) *in the case of members of the Board who*
2 *are officers or employees of the United States, at rates*
3 *authorized for employees of agencies under subchapter*
4 *I of chapter 57 of title 5; and*

5 “(B) *in the case of other members of the Board*
6 *and advisers, as authorized under section 5703 of title*
7 *5 for employees serving without pay.*

8 “(10) *The Federal Advisory Committee Act (5 U.S.C.*
9 *App. 2), other than section 14 (relating to termination after*
10 *two years), shall apply to the Board.*

11 “(f) *FIXED COSTS.—The fixed costs of operating and*
12 *maintaining the Institute—*

13 “(1) *may be paid from funds available to the*
14 *Army for operation and maintenance; and*

15 “(2) *may not be paid out of the proceeds of tui-*
16 *tion fees charged for professional education and train-*
17 *ing at the Institute.*

18 “(g) *ANNUAL REPORT.—Not later than March 15 of*
19 *each year, the Secretary of Defense shall submit to Congress*
20 *a detailed report on the activities of the Institute during*
21 *the preceding year. The Secretary shall coordinate the prep-*
22 *aration of the report with the heads of department and*
23 *agencies of the United States that have official interests in*
24 *the activities of the Institute, as determined by the Sec-*
25 *retary.”.*

1 (b) *REPEAL OF AUTHORITY FOR UNITED STATES*
2 *ARMY SCHOOL OF THE AMERICAS.*—Section 4415 of title
3 10, *United States Code*, is repealed.

4 (c) *CLERICAL AMENDMENTS.*—(1) *The table of sections*
5 *at the beginning of chapter 108 of title 10, United States*
6 *Code, is amended by inserting after the item relating to*
7 *section 2165 the following:*

“2166. *Western Hemisphere Institute for Professional Education and Training.*”.

8 (2) *The table of sections at the beginning of chapter*
9 *407 of such title is amended by striking the item relating*
10 *to section 4415.*

11 **SEC. 1205. BIENNIAL REPORT ON KOSOVO PEACEKEEPING.**

12 (a) *REQUIREMENT FOR PERIODIC REPORT.*—Begin-
13 *ning on December 1, 2000, and every six months thereafter,*
14 *the President shall submit to the congressional defense com-*
15 *mittees, the Committee on Foreign Relations of the Senate,*
16 *and the Committee on International Relations of the House*
17 *of Representatives a report on the contributions of Euro-*
18 *pean nations and organizations to the peacekeeping oper-*
19 *ations in Kosovo.*

20 (b) *CONTENT OF REPORT.*—Each report shall contain
21 *detailed information on the following:*

22 (1) *The commitments and pledges made by the*
23 *European Commission, the member nations of the*
24 *European Union, and the European member nations*
25 *of the North Atlantic Treaty Organization for recon-*

1 *struction assistance in Kosovo, humanitarian assist-*
2 *ance in Kosovo, the Kosovo Consolidated Budget, po-*
3 *lice (including special police) for the United Nations*
4 *international police force for Kosovo, and military*
5 *personnel for peacekeeping operations in Kosovo.*

6 *(2) The amount of the assistance that has been*
7 *provided in each category, and the number of police*
8 *and military personnel that have been deployed to*
9 *Kosovo, by each such organization or nation.*

10 *(3) The full range of commitments and respon-*
11 *sibilities that have been undertaken for Kosovo by the*
12 *United Nations, the European Union, and the Orga-*
13 *nization for Security and Cooperation in Europe*
14 *(OSCE), the progress made by those organizations in*
15 *fulfilling those commitments and responsibilities, an*
16 *assessment of the tasks that remain to be accom-*
17 *plished, and an anticipated schedule for completing*
18 *those tasks.*

19 **SEC. 1206. MUTUAL ASSISTANCE FOR MONITORING TEST**
20 **EXPLOSIONS OF NUCLEAR DEVICES.**

21 *(a) AUTHORITY.—Subchapter II of chapter 138 of title*
22 *10, United States Code, is amended by adding at the end*
23 *the following new section:*

1 **“§2350l. Mutual assistance for monitoring test explo-**
2 **sions of nuclear devices**

3 “(a) *ACCEPTANCE OF CONTRIBUTIONS.—(1) The Sec-*
4 *retary of Defense may accept funds, services, or property*
5 *from a foreign government, an international organization,*
6 *or any other entity for a purpose described in paragraph*
7 *(2).*

8 “(2) *Contributions accepted under paragraph (1) may*
9 *be used only for the development, procurement, installation,*
10 *operation, repair, or maintenance of equipment for moni-*
11 *toring test explosions of nuclear devices, or for communica-*
12 *tions relating to the operation of such equipment. The*
13 *equipment may be installed and used on United States ter-*
14 *ritory, foreign territory (including Antarctica), or in inter-*
15 *national waters.*

16 “(3) *Any funds accepted under paragraph (1) shall be*
17 *deposited in an account established by the Secretary for use*
18 *for the purposes described in paragraph (2), and shall be*
19 *available, without fiscal year limitation, for use by Depart-*
20 *ment of Defense officials authorized by the Secretary of De-*
21 *fense for contracts, grants, or other forms of acquisition for*
22 *such purposes.*

23 “(b) *AUTHORITY TO PROVIDE MONITORING ASSIST-*
24 *ANCE.—(1) To satisfy obligations of the United States to*
25 *monitor test explosions of nuclear devices, the Secretary of*
26 *Defense may provide a foreign government with assistance*

1 *for the monitoring of such tests, but only in accordance with*
2 *an agreement satisfying the requirements of paragraph (3).*

3 “(2) *The assistance authorized under paragraph (1)*
4 *is as follows:*

5 “(A) *A loan or conveyance of—*

6 “(i) *equipment for monitoring test explo-*
7 *sions of nuclear devices; and*

8 “(ii) *associated equipment.*

9 “(B) *The installation of such equipment on for-*
10 *ign territory or in international waters.*

11 “(3) *Assistance for a foreign government under this*
12 *subsection shall be subject to an agreement entered into be-*
13 *tween the United States and the foreign government that*
14 *ensures the following:*

15 “(A) *That the Secretary has timely access to*
16 *data that is produced, collected, or generated by*
17 *equipment loaned or conveyed to the foreign govern-*
18 *ment under the agreement.*

19 “(B) *That the Secretary—*

20 “(i) *has access to that equipment for pur-*
21 *poses of inspecting, testing, maintaining, repair-*
22 *ing, or replacing the equipment; and*

23 “(ii) *may take such actions as are necessary*
24 *to meet United States obligations to inspect, test,*
25 *maintain, repair, or replace the equipment.*

1 “(c) *DELEGATION.*—*The Secretary may delegate au-*
 2 *thority to carry out subsection (a) or (b) only to the Under*
 3 *Secretary of Defense for Acquisition, Technology, and Lo-*
 4 *gistics or the Secretary of the Air Force. Authority so dele-*
 5 *gated may be further delegated.”.*

6 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 7 *the beginning of subchapter II of such chapter is amended*
 8 *by inserting after the item relating to section 2350k the fol-*
 9 *lowing new item:*

“2350l. *Mutual assistance for monitoring test explosions of nuclear devices.*”.

10 ***SEC. 1207. ANNUAL REPORT ON ACTIVITIES AND ASSIST-***
 11 ***ANCE UNDER COOPERATIVE THREAT REDUC-***
 12 ***TION PROGRAMS.***

13 (a) *ANNUAL REPORT CONSOLIDATING DISPARATE RE-*
 14 *PORT REQUIREMENTS.*—(1) *Chapter 23 of title 10, United*
 15 *States Code, is amended by adding at the end the following*
 16 *new section:*

17 ***“§488. Annual report on activities and assistance***
 18 ***under Cooperative Threat Reduction pro-***
 19 ***grams***

20 “(a) *ANNUAL REPORT.*—*In any year in which the*
 21 *budget of the President under section 1105 of title 31 for*
 22 *the fiscal year beginning in such year requests funds for*
 23 *the Department of Defense for assistance or activities under*
 24 *Cooperative Threat Reduction programs with the states of*
 25 *the former Soviet Union, the Secretary of Defense shall sub-*

1 *mit to Congress a report on activities and assistance during*
2 *the preceding fiscal year under Cooperative Threat Reduc-*
3 *tion programs setting forth the matters in subsection (c).*

4 “(b) *DEADLINE FOR REPORT.*—*The report under sub-*
5 *section (a) shall be submitted not later than the first Mon-*
6 *day in February of a year.*

7 “(c) *MATTERS TO BE INCLUDED.*—*The report under*
8 *subsection (a) in a year shall set forth the following:*

9 “(1) *An estimate of the total amount that will be*
10 *required to be expended by the United States in order*
11 *to achieve the objectives of the Cooperative Threat Re-*
12 *duction programs.*

13 “(2) *A five-year plan setting forth the amount of*
14 *funds and other resources proposed to be provided by*
15 *the United States for Cooperative Threat Reduction*
16 *programs over the term of the plan, including the*
17 *purpose for which such funds and resources will be*
18 *used, and to provide guidance for the preparation of*
19 *annual budget submissions with respect to Coopera-*
20 *tive Threat Reduction programs.*

21 “(3) *A description of the Cooperative Threat Re-*
22 *duction activities carried out during the fiscal year*
23 *ending in the year preceding the year of the report,*
24 *including—*

1 “(A) the amounts notified, obligated, and
2 expended for such activities and the purposes for
3 which such amounts were notified, obligated, and
4 expended for such fiscal year and cumulatively
5 for Cooperative Threat Reduction programs;

6 “(B) a description of the participation, if
7 any, of each department and agency of the
8 United States Government in such activities;

9 “(C) a description of such activities, includ-
10 ing the forms of assistance provided;

11 “(D) a description of the United States pri-
12 vate sector participation in the portion of such
13 activities that were supported by the obligation
14 and expenditure of funds for Cooperative Threat
15 Reduction programs; and

16 “(E) such other information as the Sec-
17 retary of Defense considers appropriate to in-
18 form Congress fully of the operation of Coopera-
19 tive Threat Reduction programs and activities,
20 including with respect to proposed demilitariza-
21 tion or conversion projects, information on the
22 progress toward demilitarization of facilities and
23 the conversion of the demilitarized facilities to
24 civilian activities.

1 “(4) *A description of the audits, examinations,*
2 *and other efforts, such as on-site inspections, con-*
3 *ducted by the United States during the fiscal year*
4 *ending in the year preceding the year of the report to*
5 *ensure that assistance provided under Cooperative*
6 *Threat Reduction programs is fully accounted for and*
7 *that such assistance is being used for its intended*
8 *purpose, including a description of—*

9 “(A) *if such assistance consisted of equip-*
10 *ment, a description of the current location of*
11 *such equipment and the current condition of*
12 *such equipment;*

13 “(B) *if such assistance consisted of contracts*
14 *or other services, a description of the status of*
15 *such contracts or services and the methods used*
16 *to ensure that such contracts and services are*
17 *being used for their intended purpose;*

18 “(C) *a determination whether the assistance*
19 *described in subparagraphs (A) and (B) has been*
20 *used for its intended purpose; and*

21 “(D) *a description of the audits, examina-*
22 *tions, and other efforts planned to be carried out*
23 *during the fiscal year beginning in the year of*
24 *the report to ensure that Cooperative Threat Re-*
25 *duction assistance provided during such fiscal*

1 year is fully accounted for and is used for its in-
2 tended purpose.

3 “(5) A current description of the tactical nuclear
4 weapons arsenal of Russia, including—

5 “(A) an estimate of the current types, num-
6 bers, yields, viability, locations, and deployment
7 status of the nuclear warheads in that arsenal;

8 “(B) an assessment of the strategic relevance
9 of such warheads;

10 “(C) an assessment of the current and pro-
11 jected threat of theft, sale, or unauthorized use of
12 such warheads; and

13 “(D) a summary of past, current, and
14 planned United States efforts to work coopera-
15 tively with Russia to account for, secure, and re-
16 duce Russia’s stockpile of tactical nuclear war-
17 heads and associated fissile materials.

18 “(d) INPUT OF DCI.—The Director of Central Intel-
19 ligence shall submit to the Secretary of Defense the views
20 of the Director on any matters covered by subsection (b)(5)
21 in a report under this section. Such views shall be included
22 in such report as a classified annex to such report.

23 “(e) COMPTROLLER GENERAL ASSESSMENT.—Not
24 later than 60 days after the date on which a report is sub-
25 mitted to Congress under subsection (a), the Comptroller

1 *General shall submit to Congress a report setting forth the*
 2 *Comptroller General's assessment of the report under sub-*
 3 *section (a), including any recommendations regarding the*
 4 *report under subsection (a) that the Comptroller General*
 5 *considers appropriate.”.*

6 (2) *The table of sections at the beginning of chapter*
 7 *23 of such title is amended by adding at the end the fol-*
 8 *lowing new item:*

“488. Annual report on activities and assistance under Cooperative Threat Reduc-
tion programs.”.

9 (b) *FIRST REPORT.—The first report submitted under*
 10 *section 488 of title 10, United States Code, as added by*
 11 *subsection (a), shall be submitted in 2002.*

12 (c) *REPEAL OF SUPERSEDED REPORTING REQUIRE-*
 13 *MENTS.—(1) The following provisions of law are repealed:*

14 (A) *Section 1207 of the Cooperative Threat Re-*
 15 *duction Act of 1994 (title XII of Public Law 103–160;*
 16 *107 Stat. 1782; 22 U.S.C. 5956), relating to semi-*
 17 *annual reports on Cooperative Threat Reduction.*

18 (B) *Section 1203 of the National Defense Author-*
 19 *ization Act for Fiscal Year 1995 (Public Law 103–*
 20 *337; 108 Stat. 2882), relating to a report accounting*
 21 *for United States for Cooperative Threat Reduction.*

22 (C) *Section 1205 of the National Defense Author-*
 23 *ization Act for Fiscal Year 1995 (108 Stat. 2883; 10*

1 U.S.C. 5952 note), relating to multiyear planning
 2 and Allied support for Cooperative Threat Reduction.

3 (D) Section 1206 of the National Defense Au-
 4 thorization Act for Fiscal Year 1996 (Public Law
 5 104–106; 22 U.S.C. 5955 note), relating to accounting
 6 for United States assistance for Cooperative Threat
 7 Reduction.

8 (E) Section 1307 of the National Defense Au-
 9 thorization Act for Fiscal Year 2000 (Public Law
 10 106–65; 113 Stat. 795), relating to a limitation on
 11 use of funds for Cooperative Threat Reduction pend-
 12 ing submittal of a multiyear plan.

13 (2) Section 1312 of the National Defense Authorization
 14 Act for Fiscal Year 2000 (113 Stat. 796; 22 U.S.C. 5955
 15 note), relating to Russian nonstrategic nuclear arms, is
 16 amended—

17 (A) by striking “(a) SENSE OF CONGRESS.—”;
 18 and

19 (B) by striking subsections (b) and (c).

20 **SEC. 1208. LIMITATION ON USE OF FUNDS FOR CONSTRUC-**
 21 **TION OF A RUSSIAN FACILITY FOR THE DE-**
 22 **STRUCTION OF CHEMICAL WEAPONS.**

23 Section 1305 of the National Defense Authorization
 24 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.
 25 794; 22 U.S.C. 5952 note) is amended to read as follows:

1 **“SEC. 1305. LIMITATION ON USE OF FUNDS FOR CHEMICAL**
2 **WEAPONS DESTRUCTION.**

3 “(a) *LIMITATION.*—No fiscal year 2000 Cooperative
4 *Threat Reduction funds, and no funds appropriated for Co-*
5 *operative Threat Reduction programs after the date of the*
6 *enactment of this Act, may be obligated or expended for any*
7 *fiscal year for the purpose of the construction of the*
8 *Shchuch’ye chemical weapons destruction facility in Russia*
9 *before the date that is 30 days after the Secretary of Defense*
10 *certifies in writing to the Committees on Armed Services*
11 *of the Senate and the House of Representatives for that fis-*
12 *cal year that each of the following conditions has been met:*

13 “(1) *That the government of the Russian Federa-*
14 *tion has agreed to provide at least \$25,000,000 annu-*
15 *ally for the construction support and operation of the*
16 *facility to destroy chemical weapons and for the sup-*
17 *port and maintenance of the facility for that purpose*
18 *for each year of the entire operating life-cycle of the*
19 *facility.*

20 “(2) *That the government of the Russian Federa-*
21 *tion has agreed to utilize the facility to destroy the*
22 *remaining four stockpiles of nerve agents, which are*
23 *located at Kisner, Pochep, Leonidovka, and*
24 *Maradykovsky.*

25 “(3) *That the United States has obtained*
26 *multiyear commitments from governments of other*

1 *countries to donate funds for the support of essential*
2 *social infrastructure projects for Shchuch'ye in suffi-*
3 *cient amounts to ensure that the projects are ade-*
4 *quately maintained during the entire operating life-*
5 *cycle of the facility.*

6 *“(4) That Russia has agreed to destroy its chem-*
7 *ical weapons production facilities at Volgograd and*
8 *Novocheboksark.*

9 *“(b) TIMING OF CERTIFICATIONS.—The certification*
10 *under subsection (a) for any fiscal year shall be submitted*
11 *prior to the obligation of funds in such fiscal year for the*
12 *purpose specified in that subsection.”.*

13 **SEC. 1209. LIMITATION ON USE OF FUNDS FOR ELIMI-**
14 **NATION OF WEAPONS GRADE PLUTONIUM**
15 **PROGRAM.**

16 *Of the amounts authorized to be appropriated by this*
17 *Act for fiscal year 2001 for the Elimination of Weapons*
18 *Grade Plutonium Program, not more than 50 percent of*
19 *such amounts may be obligated or expended for the program*
20 *in fiscal year 2001 until 30 days after the date on which*
21 *the Secretary of Defense submits to the Committees on*
22 *Armed Services of the Senate and House of Representatives*
23 *a report on an agreement between the United States Gov-*
24 *ernment and the Government of the Russian Federation re-*
25 *garding a new option selected for the shut down or conver-*

1 *sion of the reactors of the Russian Federation that produce*
2 *weapons grade plutonium, including—*

3 *(1) the new date on which such reactors will*
4 *cease production of weapons grade plutonium under*
5 *such agreement by reason of the shut down or conver-*
6 *sion of such reactors; and*

7 *(2) any cost-sharing arrangements between the*
8 *United States Government and the Government of the*
9 *Russian Federation in undertaking activities under*
10 *such agreement.*

11 **SEC. 1210. SENSE OF CONGRESS REGARDING THE USE OF**
12 **CHILDREN AS SOLDIERS.**

13 *(a) FINDINGS.—Congress finds that—*

14 *(1) in the year 2000 approximately 300,000 in-*
15 *dividuals under the age of 18 are participating in*
16 *armed conflict in more than 30 countries worldwide;*

17 *(2) many of these children are forcibly con-*
18 *scripted through kidnapping or coercion, while others*
19 *join military units due to economic necessity, to*
20 *avenge the loss of a family member, or for their own*
21 *personal safety;*

22 *(3) many military commanders frequently force*
23 *child soldiers to commit gruesome acts of ritual*
24 *killings or torture against their enemies, including*
25 *against other children;*

1 (4) many military commanders separate chil-
2 dren from their families in order to foster dependence
3 on military units and leaders, leaving children vul-
4 nerable to manipulation, deep traumatization, and in
5 need of psychological counseling and rehabilitation;

6 (5) child soldiers are exposed to hazardous condi-
7 tions and risk physical injuries, sexually transmitted
8 diseases, malnutrition, deformed backs and shoulders
9 from carrying overweight loads, and respiratory and
10 skin infections;

11 (6) many young female soldiers face the addi-
12 tional psychological and physical horrors of rape and
13 sexual abuse, being enslaved for sexual purposes by
14 militia commanders, and forced to endure severe so-
15 cial stigma should they return home;

16 (7) children in northern Uganda continue to be
17 kidnapped by the Lords Resistance Army (LRA),
18 which is supported and funded by the Government of
19 Sudan and which has committed and continues to
20 commit gross human rights violations in Uganda;

21 (8) children in Sri Lanka have been forcibly re-
22 cruited by the opposition Tamil Tigers movement and
23 forced to kill or be killed in the armed conflict in that
24 country;

1 (9) *an estimated 7,000 child soldiers have been*
2 *involved in the conflict in Sierra Leone, some as*
3 *young as age 10, with many being forced to commit*
4 *extrajudicial executions, torture, rape, and amputa-*
5 *tions for the rebel Revolutionary United Front;*

6 (10) *on January 21, 2000, in Geneva, a United*
7 *Nations Working Group, including representatives*
8 *from more than 80 governments including the United*
9 *States, reached consensus on an optional protocol on*
10 *the use of child soldiers;*

11 (11) *this optional protocol will raise the inter-*
12 *national minimum age for conscription and direct*
13 *participation in armed conflict to age eighteen, pro-*
14 *hibit the recruitment and use in armed conflict of*
15 *persons under the age of eighteen by non-govern-*
16 *mental armed forces, encourage governments to raise*
17 *the minimum legal age for voluntary recruits above*
18 *the current standard of 15 and, commits governments*
19 *to support the demobilization and rehabilitation of*
20 *child soldiers, and when possible, to allocate resources*
21 *to this purpose;*

22 (12) *on October 29, 1998, United Nations Sec-*
23 *retary General Kofi Annan set minimum age require-*
24 *ments for United Nations peacekeeping personnel that*

1 *are made available by member nations of the United*
2 *Nations;*

3 *(13) United Nations Under-Secretary General*
4 *for Peace-keeping, Bernard Miyet, announced in the*
5 *Fourth Committee of the General Assembly that con-*
6 *tributing governments of member nations were asked*
7 *not to send civilian police and military observers*
8 *under the age of 25, and that troops in national con-*
9 *tingents should preferably be at least 21 years of age*
10 *but in no case should they be younger than 18 years*
11 *of age;*

12 *(14) on August 25, 1999, the United Nations Se-*
13 *curity Council unanimously passed Resolution 1261*
14 *(1999) condemning the use of children in armed con-*
15 *licts;*

16 *(15) in addressing the Security Council, the Spe-*
17 *cial Representative of the Secretary General for Chil-*
18 *dren and Armed Conflict, Olara Otunnu, urged the*
19 *adoption of a global three-pronged approach to com-*
20 *bat the use of children in armed conflict, first to raise*
21 *the age limit for recruitment and participation in*
22 *armed conflict from the present age of 15 to the age*
23 *of 18, second, to increase international pressure on*
24 *armed groups which currently abuse children, and*
25 *third to address the political, social, and economic*

1 *factors which create an environment where children*
2 *are induced by appeal of ideology or by socio-economic*
3 *collapse to become child soldiers;*

4 *(16) the United States delegation to the United*
5 *Nations working group relating to child soldiers,*
6 *which included representatives from the Department*
7 *of Defense, supported the Geneva agreement on the op-*
8 *tional protocol;*

9 *(17) on May 25, 2000, the United Nations Gen-*
10 *eral Assembly unanimously adopted the optional pro-*
11 *tol on the use of child soldiers;*

12 *(18) the optional protocol was opened for signa-*
13 *ture on June 5, 2000; and*

14 *(17) President Clinton has publicly announced*
15 *his support of the optional protocol and a speedy*
16 *process of review and signature.*

17 *(b) SENSE OF CONGRESS.—(1) Congress joins the*
18 *international community in—*

19 *(A) condemning the use of children as soldiers by*
20 *governmental and nongovernmental armed forces*
21 *worldwide; and*

22 *(B) welcoming the optional protocol as a critical*
23 *first step in ending the use of children as soldiers.*

24 *(2) It is the sense of Congress that—*

1 (A) *it is essential that the President consult*
2 *closely with the Senate with the objective of building*
3 *support for this protocol, and the Senate move for-*
4 *ward as expeditiously as possible.*

5 (B) *the President and Congress should work to-*
6 *gether to enact a law that establishes a fund for the*
7 *rehabilitation and reintegration into society of child*
8 *soldiers; and*

9 (C) *the Departments of State and Defense should*
10 *undertake all possible efforts to persuade and encour-*
11 *age other governments to ratify and endorse the new*
12 *optional protocol on the use of child soldiers.*

13 **SEC. 1211. SUPPORT OF CONSULTATIONS ON ARAB AND**
14 **ISRAELI ARMS CONTROL AND REGIONAL SE-**
15 **CURITY ISSUES.**

16 *Of the amount authorized to be appropriated by sec-*
17 *tion 301(5), up to \$1,000,000 is available for the support*
18 *of programs to promote informal region-wide consultations*
19 *among Arab, Israeli, and United States officials and ex-*
20 *perts on arms control and security issues concerning the*
21 *Middle East region.*

1 **SEC. 1212. AUTHORITY TO CONSENT TO RETRANSFER OF**
 2 **ALTERNATIVE FORMER NAVAL VESSEL BY**
 3 **GOVERNMENT OF GREECE.**

4 *Section 1012 of the National Defense Authorization*
 5 *Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.*
 6 *740) is amended—*

7 *(1) in subsection (a), by inserting after “HS*
 8 *Rodos (ex-USS BOWMAN COUNTY (LST 391))” the*
 9 *following: “, LST 325, or any other former United*
 10 *States LST that is excess to the needs of that govern-*
 11 *ment”; and*

12 *(2) in subsection (b)(1), by inserting “retrans-*
 13 *ferred under subsection (a)” after “the vessel”.*

14 **SEC. 1213. UNITED STATES-RUSSIAN FEDERATION JOINT**
 15 **DATA EXCHANGE CENTER ON EARLY WARN-**
 16 **ING SYSTEMS AND NOTIFICATION OF MISSILE**
 17 **LAUNCHES.**

18 *(a) AUTHORITY.—The Secretary of Defense is author-*
 19 *ized to establish, in conjunction with the Government of the*
 20 *Russian Federation, a United States-Russian Federation*
 21 *joint center for the exchange of data from early warning*
 22 *systems and for notification of missile launches.*

23 *(b) SPECIFIC ACTIONS.—The actions that the Sec-*
 24 *retary jointly undertakes for the establishment of the center*
 25 *may include the renovation of a mutually agreed upon fa-*
 26 *cility to be made available by the Russian Federation and*

1 *the provision of such equipment and supplies as may be*
 2 *necessary to commence the operation of the center.*

3 **SEC. 1214. ADJUSTMENT OF COMPOSITE THEORETICAL**
 4 **PERFORMANCE LEVELS OF HIGH PERFORM-**
 5 **ANCE COMPUTERS.**

6 *(a) LAYOVER PERIOD FOR NEW PERFORMANCE LEV-*
 7 *ELS.—Section 1211 of the National Defense Authorization*
 8 *Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is*
 9 *amended—*

10 *(1) in the second sentence of subsection (d), by*
 11 *striking “180” and inserting “60”; and*

12 *(2) by adding at the end the following:*

13 *“(g) CALCULATION OF 60-DAY PERIOD.—The 60-day*
 14 *period referred to in subsection (d) shall be calculated by*
 15 *excluding the days on which either House of Congress is*
 16 *not in session because of an adjournment of the Congress*
 17 *sine die.”.*

18 *(b) EFFECTIVE DATE.—The amendments made by sub-*
 19 *section (a) shall apply to any new composite theoretical*
 20 *performance level established for purposes of section 1211(a)*
 21 *of the National Defense Authorization Act for Fiscal Year*
 22 *1998 that is submitted by the President pursuant to section*
 23 *1211(d) of that Act on or after the date of the enactment*
 24 *of this Act.*

1 **TITLE XIII—NAVY ACTIVITIES ON**
2 **THE ISLAND OF VIEQUES,**
3 **PUERTO RICO**

4 **SEC. 1301. ASSISTANCE FOR ECONOMIC GROWTH ON**
5 **VIEQUES.**

6 (a) *AUTHORITY.*—The President may provide eco-
7 nomic assistance under this section for the people and com-
8 munities of the island of Vieques.

9 (b) *MAXIMUM AMOUNT.*—The total amount of eco-
10 nomic assistance provided under this section may, subject
11 to section 1303(b), be any amount up to \$40,000,000.

12 **SEC. 1302. REQUIREMENT FOR REFERENDUM ON CONTINU-**
13 **ATION OF NAVY TRAINING.**

14 (a) *REFERENDUM.*—

15 (1) *REQUIREMENT.*—The President shall, except
16 as provided in paragraph (2), provide for a ref-
17 erendum to be conducted on the island of Vieques to
18 determine by a majority of the votes cast in the ref-
19 erendum by the Vieques electorate whether the people
20 of Vieques approve or disapprove of the continuation
21 of the conduct of live-fire training, and any other
22 types of training, by the Armed Forces at the Navy's
23 training sites on the island on the conditions de-
24 scribed in subsection (d).

1 (2) *EXCEPTION.*—*If the Chief of Naval Oper-*
2 *ations and the Commandant of the Marine Corps*
3 *jointly submit to the congressional defense committees,*
4 *after the date of the enactment of this Act and before*
5 *the date set forth in subsection (c), their certification*
6 *that the Vieques Naval Training Range is no longer*
7 *needed for training by the Navy and the Marine*
8 *Corps, then the requirement for a referendum under*
9 *paragraph (1) shall cease to be effective on the date*
10 *on which the certification is submitted.*

11 (b) *PROHIBITION OF OTHER PROPOSITIONS.*—*In a ref-*
12 *erendum under this section, no proposition or option may*
13 *be presented as an alternative to the propositions of ap-*
14 *proval and of disapproval of the continuation of the conduct*
15 *of training as described in subsection (a)(1).*

16 (c) *TIME FOR REFERENDUM.*—*A referendum required*
17 *under this section shall be held on May 1, 2001, or within*
18 *270 days before such date or 270 days after such date. The*
19 *Secretary of the Navy shall publicize the date set for the*
20 *referendum 90 days before that date.*

21 (d) *REQUIRED TRAINING CONDITIONS.*—*For the pur-*
22 *poses of a referendum under this section, the conditions for*
23 *the continuation of the conduct of training are those that*
24 *are proposed by the Secretary of the Navy and publicized*
25 *on the island of Vieques in connection with, and for a rea-*

1 sonable period in advance of, the referendum. The condi-
 2 tions shall include the following:

3 (1) *LIVE-FIRE TRAINING.*—A condition that the
 4 training may include live-fire training.

5 (2) *MAXIMUM ANNUAL DAYS OF USE.*—A condi-
 6 tion that the training may be conducted on not more
 7 than 90 days each year.

8 (e) *PROCLAMATION OF OUTCOME.*—Promptly after a
 9 referendum is completed under this section, the President
 10 shall determine, and issue a proclamation declaring, the
 11 outcome of the referendum. The President’s determination
 12 shall be final.

13 (f) *VIEQUES ELECTORATE DEFINED.*—In this section,
 14 the term “Vieques electorate”, with respect to a referendum
 15 under this section, means the residents of the island of
 16 Vieques, Puerto Rico, who, as of the date that is 180 days
 17 before the date of the referendum, have an electoral domicile
 18 on, and are duly registered to vote on, the island of Vieques
 19 under the laws of the Commonwealth of Puerto Rico.

20 **SEC. 1303. ACTIONS IF TRAINING IS APPROVED.**

21 (a) *CONDITION FOR EFFECTIVENESS.*—This section
 22 shall take effect on the date on which the President issues
 23 a proclamation under subsection (e) of section 1302 declar-
 24 ing that the continuation of the conduct of training (includ-
 25 ing live-fire training) by the Armed Forces at the Navy’s

1 *training sites on the island of Vieques on the conditions*
 2 *described in subsection (d) of that section is approved in*
 3 *a referendum conducted under that section.*

4 (b) *ADDITIONAL ECONOMIC ASSISTANCE.—The Presi-*
 5 *dent may provide economic assistance for the people and*
 6 *communities of the island of Vieques in a total amount up*
 7 *to \$50,000,000 in addition to the total amount of economic*
 8 *assistance authorized to be provided under section 1301.*

9 **SEC. 1304. REQUIREMENTS IF TRAINING IS NOT APPROVED**
 10 **OR MANDATE FOR REFERENDUM IS VITIATED.**

11 (a) *CONDITIONS FOR EFFECTIVENESS.—This section*
 12 *shall take effect on the date on which either of the following*
 13 *occurs:*

14 (1) *The President issues a proclamation under*
 15 *subsection (e) of section 1302 declaring that the con-*
 16 *tinuation of the conduct of training (including live-*
 17 *fire training) by the Armed Forces at the Navy's*
 18 *training sites on the island of Vieques on the condi-*
 19 *tions described in subsection (d) of that section is not*
 20 *approved in the referendum conducted under that sec-*
 21 *tion.*

22 (2) *The requirement for a referendum under sec-*
 23 *tion 1302 ceases to be effective under subsection (a)(2)*
 24 *of that section.*

1 (b) *ACTIONS REQUIRED OF SECRETARY OF DE-*
2 *FENSE.—The Secretary of Defense—*

3 (1) *shall, not later than May 1, 2003—*

4 (A) *terminate all Navy and Marine Corps*
5 *training operations on the island of Vieques; and*

6 (B) *terminate all Navy and Marine Corps*
7 *operations at Roosevelt Roads, Puerto Rico, that*
8 *are related to the use of the training range on*
9 *the island of Vieques by the Navy and the Ma-*
10 *rine Corps.*

11 (2) *may relocate the units of the Armed Forces*
12 *(other than those of the reserve components) and ac-*
13 *tivities of the Department of Defense (including non-*
14 *appropriated fund activities) at Fort Buchanan,*
15 *Puerto Rico, to Roosevelt Roads, Puerto Rico, to en-*
16 *sure maximum utilization of capacity;*

17 (3) *shall close the Department of Defense instal-*
18 *lations and facilities on the island of Vieques (other*
19 *than properties exempt from transfer under section*
20 *1305); and*

21 (4) *shall, except as provided in section 1305,*
22 *transfer to the Secretary of the Interior—*

23 (A) *the Live Impact Area on the island of*
24 *Vieques;*

1 (B) all Department of Defense real prop-
2 erties on the eastern side of that island that are
3 identified as conservation zones; and

4 (C) all other Department of Defense real
5 properties on the eastern side of that island.

6 (c) *ACTIONS REQUIRED OF SECRETARY OF THE INTE-*
7 *RIOR.*—The Secretary of the Interior shall retain, and may
8 not dispose of any of, the properties transferred under sub-
9 section (b)(4) pending the enactment of a law that addresses
10 the disposition of those properties.

11 (d) *GAO REVIEW.*—

12 (1) *REQUIREMENT FOR REVIEW.*—The Comp-
13 troller General shall review the requirement for the
14 continued use of Fort Buchanan by active Army
15 forces and shall submit to the congressional defense
16 committees a report on the review. The report shall
17 contain the following:

18 (A) *FINDINGS.*—The findings resulting from
19 the review.

20 (B) *RECOMMENDATIONS.*—Recommendations
21 regarding the closure of Fort Buchanan
22 and the consolidation of United States military
23 forces to Roosevelt Roads, Puerto Rico.

24 (2) *TIME FOR SUBMITTAL OF REPORT.*—The
25 Comptroller General shall submit the report under

1 *paragraph (1) not later than one year after the date*
 2 *of the referendum conducted under section 1302 or the*
 3 *date on which a certification is submitted to the con-*
 4 *gressional defense committees under section*
 5 *1302(a)(2), as the case may be.*

6 **SEC. 1305. EXEMPT PROPERTY.**

7 *(a) IN GENERAL.—The Department of Defense prop-*
 8 *erties and property interests described in subsection (b)*
 9 *may not be transferred out of the Department of Defense*
 10 *under this title.*

11 *(b) PROPERTIES DESCRIBED.—The exemption under*
 12 *subsection (a) applies to the following Department of De-*
 13 *fense properties and property interests on the island of*
 14 *Vieques:*

15 *(1) ROTH R SITE.—The site for relocatable over-*
 16 *the-horizon radar.*

17 *(2) TELECOMMUNICATIONS SITES.—The Mount*
 18 *Pirata telecommunications sites.*

19 *(3) ASSOCIATED INTERESTS.—Any easements,*
 20 *rights-of-way, and other interests in property that the*
 21 *Secretary of Defense determines necessary for—*

22 *(A) ensuring access to the properties re-*
 23 *ferred to in paragraphs (1) and (2);*

24 *(B) providing utilities for such properties;*

1 (C) ensuring the security of such properties;

2 and

3 (D) ensuring effective maintenance and op-

4 erations on the property.

5 **SEC. 1306. MORATORIUM ON IMPROVEMENTS AT FORT BU-**
 6 **CHANAN.**

7 (a) *IN GENERAL.*—Except as provided in subsection
 8 (b), no acquisition, construction, conversion, rehabilitation,
 9 extension, or improvement of any facility at Fort Bu-
 10 chanan, Puerto Rico, may be initiated or continued on or
 11 after the date of the enactment of this Act.

12 (b) *EXCEPTIONS.*—The prohibition in subsection (a)
 13 does not apply to the following:

14 (1) *Actions necessary to maintain the existing*
 15 *facilities (including utilities) at Fort Buchanan.*

16 (2) *The construction of reserve component facili-*
 17 *ties authorized before the date of the enactment of this*
 18 *Act.*

19 (c) *TERMINATION.*—This subsection shall cease to be
 20 effective upon the issuance of a proclamation described in
 21 section 1303(a).

22 **SEC. 1307. PROPERTY TRANSFERRED TO SECRETARY OF**
 23 **THE INTERIOR.**

24 (a) *TRANSFERS REQUIRED.*—Not later than Sep-
 25 tember 30, 2005, the Secretary of Defense shall, except as

1 *provided in section 1305, transfer to the Secretary of the*
2 *Interior all Department of Defense real properties on the*
3 *western part of the island of Vieques that are identified as*
4 *conservation zones.*

5 (b) *ADMINISTRATION OF PROPERTIES AS WILDLIFE*
6 *REFUGES.—The Secretary of the Interior shall administer*
7 *as wildlife refuges under the National Wildlife Refuge Sys-*
8 *tem Administration Act of 1966 (16 U.S.C. 668dd et seq.)*
9 *all properties transferred to the Secretary under this sec-*
10 *tion.*

11 **SEC. 1308. LIVE IMPACT AREA.**

12 (a) *RESPONSIBILITY FOR LIVE IMPACT AREA.—Upon*
13 *a termination of Navy and Marine Corps training oper-*
14 *ations on the island of Vieques under section 1304(b), and*
15 *pending the enactment of a law that addresses the disposi-*
16 *tion of the Live Impact Area, the Secretary of the Interior*
17 *shall assume responsibility for the administration of the*
18 *Live Impact Area and deny public access to the area.*

19 (b) *LIVE IMPACT AREA DEFINED.—In this title, the*
20 *term “Live Impact Area” means the parcel of real property,*
21 *consisting of approximately 900 acres (more or less), on the*
22 *island of Vieques that is designated by the Secretary of the*
23 *Navy for targeting by live ordnance in the training of forces*
24 *of the Navy and Marine Corps.*

1 **TITLE XIV—GOVERNMENT IN-**
2 **FORMATION SECURITY RE-**
3 **FORM**

4 **SEC. 1401. SHORT TITLE.**

5 *This title may be cited as the “Government Informa-*
6 *tion Security Act”.*

7 **SEC. 1402. COORDINATION OF FEDERAL INFORMATION POL-**
8 **ICY.**

9 *Chapter 35 of title 44, United States Code, is amended*
10 *by inserting at the end the following:*

11 **“SUBCHAPTER II—INFORMATION SECURITY**

12 **“§ 3531. Purposes**

13 *“The purposes of this subchapter are to—*

14 *“(1) provide a comprehensive framework for es-*
15 *tablishing and ensuring the effectiveness of controls*
16 *over information resources that support Federal oper-*
17 *ations and assets;*

18 *“(2)(A) recognize the highly networked nature of*
19 *the Federal computing environment including the*
20 *need for Federal Government interoperability and, in*
21 *the implementation of improved security management*
22 *measures, assure that opportunities for interoper-*
23 *ability are not adversely affected; and*

24 *“(B) provide effective governmentwide manage-*
25 *ment and oversight of the related information security*

1 *risks, including coordination of information security*
2 *efforts throughout the civilian, national security, and*
3 *law enforcement communities;*

4 *“(3) provide for development and maintenance of*
5 *minimum controls required to protect Federal infor-*
6 *mation and information systems; and*

7 *“(4) provide a mechanism for improved oversight*
8 *of Federal agency information security programs.*

9 **“§ 3532. Definitions**

10 *“(a) Except as provided under subsection (b), the defi-*
11 *nitions under section 3502 shall apply to this subchapter.*

12 *“(b) As used in this subchapter the term—*

13 *“(1) ‘information technology’ has the meaning*
14 *given that term in section 5002 of the Clinger-Cohen*
15 *Act of 1996 (40 U.S.C. 1401); and*

16 *“(2) ‘mission critical system’ means any tele-*
17 *communications or information system used or oper-*
18 *ated by an agency or by a contractor of an agency,*
19 *or other organization on behalf of an agency, that—*

20 *“(A) is defined as a national security sys-*
21 *tem under section 5142 of the Clinger-Cohen Act*
22 *of 1996 (40 U.S.C. 1452);*

23 *“(B) is protected at all times by procedures*
24 *established for information which has been spe-*
25 *cifically authorized under criteria established by*

1 *an Executive order or an Act of Congress to be*
2 *classified in the interest of national defense or*
3 *foreign policy; or*

4 “(C) processes any information, the loss,
5 misuse, disclosure, or unauthorized access to or
6 modification of, would have a debilitating im-
7 pact on the mission of an agency.

8 **“§ 3533. Authority and functions of the Director**

9 “(a)(1) *The Director shall establish governmentwide*
10 *policies for the management of programs that—*

11 “(A) *support the cost-effective security of Federal*
12 *information systems by promoting security as an in-*
13 *tegral component of each agency’s business operations;*
14 *and*

15 “(B) *include information technology architec-*
16 *tures as defined under section 5125 of the Clinger-*
17 *Cohen Act of 1996 (40 U.S.C. 1425).*

18 “(2) *Policies under this subsection shall—*

19 “(A) *be founded on a continuing risk manage-*
20 *ment cycle that recognizes the need to—*

21 “(i) *identify, assess, and understand risk;*
22 *and*

23 “(ii) *determine security needs commensu-*
24 *rate with the level of risk;*

1 “(B) implement controls that adequately address
2 the risk;

3 “(C) promote continuing awareness of informa-
4 tion security risk; and

5 “(D) continually monitor and evaluate policy
6 and control effectiveness of information security prac-
7 tices.

8 “(b) The authority under subsection (a) includes the
9 authority to—

10 “(1) oversee and develop policies, principles,
11 standards, and guidelines for the handling of Federal
12 information and information resources to improve the
13 efficiency and effectiveness of governmental oper-
14 ations, including principles, policies, and guidelines
15 for the implementation of agency responsibilities
16 under applicable law for ensuring the privacy, con-
17 fidentiality, and security of Federal information;

18 “(2) consistent with the standards and guidelines
19 promulgated under section 5131 of the Clinger-Cohen
20 Act of 1996 (40 U.S.C. 1441) and sections 5 and 6
21 of the Computer Security Act of 1987 (40 U.S.C.
22 1441 note; Public Law 100–235; 101 Stat. 1729), re-
23 quire Federal agencies to identify and afford security
24 protections commensurate with the risk and mag-
25 nitude of the harm resulting from the loss, misuse, or

1 *unauthorized access to or modification of information*
2 *collected or maintained by or on behalf of an agency;*

3 *“(3) direct the heads of agencies to—*

4 *“(A) identify, use, and share best security*
5 *practices;*

6 *“(B) develop an agency-wide information*
7 *security plan;*

8 *“(C) incorporate information security prin-*
9 *ciples and practices throughout the life cycles of*
10 *the agency’s information systems; and*

11 *“(D) ensure that the agency’s information*
12 *security plan is practiced throughout all life cy-*
13 *cles of the agency’s information systems;*

14 *“(4) oversee the development and implementation*
15 *of standards and guidelines relating to security con-*
16 *trols for Federal computer systems by the Secretary of*
17 *Commerce through the National Institute of Stand-*
18 *ards and Technology under section 5131 of the*
19 *Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and sec-*
20 *tion 20 of the National Institute of Standards and*
21 *Technology Act (15 U.S.C. 278g–3);*

22 *“(5) oversee and coordinate compliance with this*
23 *section in a manner consistent with—*

24 *“(A) sections 552 and 552a of title 5;*

1 “(B) sections 20 and 21 of the National In-
2 stitute of Standards and Technology Act (15
3 U.S.C. 278g–3 and 278g–4);

4 “(C) section 5131 of the Clinger-Cohen Act
5 of 1996 (40 U.S.C. 1441);

6 “(D) sections 5 and 6 of the Computer Se-
7 curity Act of 1987 (40 U.S.C. 1441 note; Public
8 Law 100–235; 101 Stat. 1729); and

9 “(E) related information management laws;
10 and

11 “(6) take any authorized action under section
12 5113(b)(5) of the Clinger-Cohen Act of 1996 (40
13 U.S.C. 1413(b)(5)) that the Director considers appro-
14 priate, including any action involving the budgetary
15 process or appropriations management process, to en-
16 force accountability of the head of an agency for in-
17 formation resources management, including the re-
18 quirements of this subchapter, and for the investments
19 made by the agency in information technology,
20 including—

21 “(A) recommending a reduction or an in-
22 crease in any amount for information resources
23 that the head of the agency proposes for the
24 budget submitted to Congress under section
25 1105(a) of title 31;

1 “(B) reducing or otherwise adjusting appor-
 2 tionments and reapportionments of appropria-
 3 tions for information resources; and

4 “(C) using other authorized administrative
 5 controls over appropriations to restrict the avail-
 6 ability of funds for information resources.

7 “(c) The authorities of the Director under this section
 8 may be delegated—

9 “(1) to the Secretary of Defense, the Director of
 10 Central Intelligence, and other agency head as des-
 11 ignated by the President in the case of systems de-
 12 scribed under subparagraphs (A) and (B) of section
 13 3532(b)(2); and

14 “(2) in the case of all other Federal information
 15 systems, only to the Deputy Director for Management
 16 of the Office of Management and Budget.

17 **“§ 3534. Federal agency responsibilities**

18 “(a) The head of each agency shall—

19 “(1) be responsible for—

20 “(A) adequately ensuring the integrity, con-
 21 fidentiality, authenticity, availability, and non-
 22 repudiation of information and information sys-
 23 tems supporting agency operations and assets;

24 “(B) developing and implementing informa-
 25 tion security policies, procedures, and control

1 *techniques sufficient to afford security protec-*
2 *tions commensurate with the risk and magnitude*
3 *of the harm resulting from unauthorized disclo-*
4 *sure, disruption, modification, or destruction of*
5 *information collected or maintained by or for the*
6 *agency; and*

7 “(C) ensuring that the agency’s information
8 *security plan is practiced throughout the life*
9 *cycle of each agency system;*

10 “(2) ensure that appropriate senior agency offi-
11 *cials are responsible for—*

12 “(A) assessing the information security
13 *risks associated with the operations and assets*
14 *for programs and systems over which such offi-*
15 *cials have control;*

16 “(B) determining the levels of information
17 *security appropriate to protect such operations*
18 *and assets; and*

19 “(C) periodically testing and evaluating in-
20 *formation security controls and techniques;*

21 “(3) delegate to the agency Chief Information Of-
22 *ficer established under section 3506, or a comparable*
23 *official in an agency not covered by such section, the*
24 *authority to administer all functions under this sub-*
25 *chapter including—*

1 “(A) designating a senior agency informa-
2 tion security official who shall report to the
3 Chief Information Officer or a comparable offi-
4 cial;

5 “(B) developing and maintaining an agen-
6 cywide information security program as required
7 under subsection (b);

8 “(C) ensuring that the agency effectively
9 implements and maintains information security
10 policies, procedures, and control techniques;

11 “(D) training and overseeing personnel
12 with significant responsibilities for information
13 security with respect to such responsibilities; and

14 “(E) assisting senior agency officials con-
15 cerning responsibilities under paragraph (2);

16 “(4) ensure that the agency has trained per-
17 sonnel sufficient to assist the agency in complying
18 with the requirements of this subchapter and related
19 policies, procedures, standards, and guidelines; and

20 “(5) ensure that the agency Chief Information
21 Officer, in coordination with senior agency officials,
22 periodically—

23 “(A)(i) evaluates the effectiveness of the
24 agency information security program, including
25 testing control techniques; and

1 “(ii) implements appropriate remedial ac-
2 tions based on that evaluation; and

3 “(B) reports to the agency head on—

4 “(i) the results of such tests and eval-
5 uations; and

6 “(ii) the progress of remedial actions.

7 “(b)(1) Each agency shall develop and implement an
8 agencywide information security program to provide infor-
9 mation security for the operations and assets of the agency,
10 including operations and assets provided or managed by
11 another agency.

12 “(2) Each program under this subsection shall
13 include—

14 “(A) periodic risk assessments that consider in-
15 ternal and external threats to—

16 “(i) the integrity, confidentiality, and
17 availability of systems; and

18 “(ii) data supporting critical operations
19 and assets;

20 “(B) policies and procedures that—

21 “(i) are based on the risk assessments re-
22 quired under subparagraph (A) that cost-effec-
23 tively reduce information security risks to an ac-
24 ceptable level; and

25 “(ii) ensure compliance with—

1 “(I) the requirements of this sub-
2 chapter;

3 “(II) policies and procedures as may
4 be prescribed by the Director; and

5 “(III) any other applicable require-
6 ments;

7 “(C) security awareness training to inform per-
8 sonnel of—

9 “(i) information security risks associated
10 with the activities of personnel; and

11 “(ii) responsibilities of personnel in com-
12 plying with agency policies and procedures de-
13 signed to reduce such risks;

14 “(D)(i) periodic management testing and evalua-
15 tion of the effectiveness of information security poli-
16 cies and procedures; and

17 “(ii) a process for ensuring remedial action to
18 address any significant deficiencies; and

19 “(E) procedures for detecting, reporting, and re-
20 sponding to security incidents, including—

21 “(i) mitigating risks associated with such
22 incidents before substantial damage occurs;

23 “(ii) notifying and consulting with law en-
24 forcement officials and other offices and authori-
25 ties;

1 “(iii) notifying and consulting with an of-
2 fice designated by the Administrator of General
3 Services within the General Services Administra-
4 tion; and

5 “(iv) notifying and consulting with an of-
6 fice designated by the Secretary of Defense, the
7 Director of Central Intelligence, and other agen-
8 cy head as designated by the President for inci-
9 dents involving systems described under subpara-
10 graphs (A) and (B) of section 3532(b)(2).

11 “(3) Each program under this subsection is subject to
12 the approval of the Director and is required to be reviewed
13 at least annually by agency program officials in consulta-
14 tion with the Chief Information Officer. In the case of sys-
15 tems described under subparagraphs (A) and (B) of section
16 3532(b)(2), the Director shall delegate approval authority
17 under this paragraph to the Secretary of Defense, the Direc-
18 tor of Central Intelligence, and other agency head as des-
19 ignated by the President.

20 “(c)(1) Each agency shall examine the adequacy and
21 effectiveness of information security policies, procedures,
22 and practices in plans and reports relating to—

23 “(A) annual agency budgets;

1 “(B) *information resources management under*
2 *the Paperwork Reduction Act of 1995 (44 U.S.C. 101*
3 *note);*

4 “(C) *performance and results based management*
5 *under the Clinger-Cohen Act of 1996 (40 U.S.C. 1401*
6 *et seq.);*

7 “(D) *program performance under sections 1105*
8 *and 1115 through 1119 of title 31, and sections 2801*
9 *through 2805 of title 39; and*

10 “(E) *financial management under—*

11 “(i) *chapter 9 of title 31, United States*
12 *Code, and the Chief Financial Officers Act of*
13 *1990 (31 U.S.C. 501 note; Public Law 101–576)*
14 *(and the amendments made by that Act);*

15 “(ii) *the Federal Financial Management*
16 *Improvement Act of 1996 (31 U.S.C. 3512 note)*
17 *(and the amendments made by that Act); and*

18 “(iii) *the internal controls conducted under*
19 *section 3512 of title 31.*

20 “(2) *Any significant deficiency in a policy, procedure,*
21 *or practice identified under paragraph (1) shall be reported*
22 *as a material weakness in reporting required under the ap-*
23 *plicable provision of law under paragraph (1).*

24 “(d)(1) *In addition to the requirements of subsection*
25 *(c), each agency, in consultation with the Chief Information*

1 *Officer, shall include as part of the performance plan re-*
 2 *quired under section 1115 of title 31 a description of—*

3 *“(A) the time periods; and*

4 *“(B) the resources, including budget, staffing,*
 5 *and training,*

6 *which are necessary to implement the program required*
 7 *under subsection (b)(1).*

8 *“(2) The description under paragraph (1) shall be*
 9 *based on the risk assessment required under subsection*
 10 *(b)(2)(A).*

11 **“§ 3535. Annual independent evaluation**

12 *“(a)(1) Each year each agency shall have performed*
 13 *an independent evaluation of the information security pro-*
 14 *gram and practices of that agency.*

15 *“(2) Each evaluation under this section shall*
 16 *include—*

17 *“(A) an assessment of compliance with—*

18 *“(i) the requirements of this subchapter;*

19 *and*

20 *“(ii) related information security policies,*
 21 *procedures, standards, and guidelines; and*

22 *“(B) tests of the effectiveness of information secu-*
 23 *rity control techniques.*

24 *“(3) The Inspector General or the independent eval-*
 25 *uator performing an evaluation under this section includ-*

1 *ing the Comptroller General may use any audit, evaluation,*
2 *or report relating to programs or practices of the applicable*
3 *agency.*

4 “(b)(1)(A) *Subject to subparagraph (B), for agencies*
5 *with Inspectors General appointed under the Inspector Gen-*
6 *eral Act of 1978 (5 U.S.C. App.) or any other law, the an-*
7 *nual evaluation required under this section or, in the case*
8 *of systems described under subparagraphs (A) and (B) of*
9 *section 3532(b)(2), an audit of the annual evaluation re-*
10 *quired under this section, shall be performed by the Inspec-*
11 *tor General or by an independent evaluator, as determined*
12 *by the Inspector General of the agency.*

13 “(B) *For systems described under subparagraphs (A)*
14 *and (B) of section 3532(b)(2), the evaluation required under*
15 *this section shall be performed only by an entity designated*
16 *by the Secretary of Defense, the Director of Central Intel-*
17 *ligence, or other agency head as designated by the President.*

18 “(2) *For any agency to which paragraph (1) does not*
19 *apply, the head of the agency shall contract with an inde-*
20 *pendent evaluator to perform the evaluation.*

21 “(3) *An evaluation of agency information security*
22 *programs and practices performed by the Comptroller Gen-*
23 *eral may be in lieu of the evaluation required under this*
24 *section.*

1 “(c) Not later than 1 year after the date of enactment
2 of this subchapter, and on that date every year thereafter,
3 the applicable agency head shall submit to the Director—

4 “(1) the results of each evaluation required under
5 this section, other than an evaluation of a system de-
6 scribed under subparagraph (A) or (B) of section
7 3532(b)(2); and

8 “(2) the results of each audit of an evaluation re-
9 quired under this section of a system described under
10 subparagraph (A) or (B) of section 3532(b)(2).

11 “(d)(1) Each year the Comptroller General shall
12 review—

13 “(A) the evaluations required under this section
14 (other than an evaluation of a system described under
15 subparagraph (A) or (B) of section 3532(b)(2));

16 “(B) the results of each audit of an evaluation
17 required under this section of a system described
18 under subparagraph (A) or (B) of section 3532(b)(2);
19 and

20 “(C) other information security evaluation re-
21 sults.

22 “(2) The Comptroller General shall report to Congress
23 regarding the results of the review required under para-
24 graph (1) and the adequacy of agency information pro-
25 grams and practices.

1 “(3) *Evaluations and audits of evaluations of systems*
 2 *under the authority and control of the Director of Central*
 3 *Intelligence and evaluations and audits of evaluation of Na-*
 4 *tional Foreign Intelligence Programs systems under the au-*
 5 *thority and control of the Secretary of Defense—*

6 “(A) *shall not be provided to the Comptroller*
 7 *General under this subsection; and*

8 “(B) *shall be made available only to the appro-*
 9 *priate oversight committees of Congress, in accordance*
 10 *with applicable laws.*

11 “(e) *Agencies and evaluators shall take appropriate ac-*
 12 *tions to ensure the protection of information, the disclosure*
 13 *of which may adversely affect information security. Such*
 14 *protections shall be commensurate with the risk and comply*
 15 *with all applicable laws.”.*

16 **SEC. 1403. RESPONSIBILITIES OF CERTAIN AGENCIES.**

17 (a) *DEPARTMENT OF COMMERCE.—Notwithstanding*
 18 *section 20 of the National Institute of Standards and Tech-*
 19 *nology Act (15 U.S.C. 278g–3) and except as provided*
 20 *under subsection (b), the Secretary of Commerce, through*
 21 *the National Institute of Standards and Technology and*
 22 *with technical assistance from the National Security Agen-*
 23 *cy, as required or when requested, shall—*

24 (1) *develop, issue, review, and update standards*
 25 *and guidance for the security of Federal information*

1 *systems, including development of methods and tech-*
2 *niques for security systems and validation programs;*

3 *(2) develop, issue, review, and update guidelines*
4 *for training in computer security awareness and ac-*
5 *cepted computer security practices, with assistance*
6 *from the Office of Personnel Management;*

7 *(3) provide agencies with guidance for security*
8 *planning to assist in the development of applications*
9 *and system security plans for such agencies;*

10 *(4) provide guidance and assistance to agencies*
11 *concerning cost-effective controls when interconnecting*
12 *with other systems; and*

13 *(5) evaluate information technologies to assess se-*
14 *curity vulnerabilities and alert Federal agencies of*
15 *such vulnerabilities as soon as those vulnerabilities*
16 *are known.*

17 *(b) DEPARTMENT OF DEFENSE AND THE INTEL-*
18 *LIGENCE COMMUNITY.—*

19 *(1) IN GENERAL.—Notwithstanding section 3533*
20 *of title 44, United States Code (as added by section*
21 *1402 of this Act), the Secretary of Defense, the Direc-*
22 *tor of Central Intelligence, and other agency head as*
23 *designated by the President, shall, consistent with*
24 *their respective authorities—*

1 (A) develop and issue information security
2 policies, standards, and guidelines for systems
3 described under subparagraphs (A) and (B) of
4 section 3532(b)(2) of title 44, United States Code
5 (as added by section 1402 of this Act), that pro-
6 vide more stringent protection than the policies,
7 principles, standards, and guidelines required
8 under section 3533 of such title; and

9 (B) ensure the implementation of the infor-
10 mation security policies, principles, standards,
11 and guidelines described under subparagraph
12 (A).

13 (2) *MEASURES ADDRESSED.*—The policies, prin-
14 ciples, standards, and guidelines developed by the Sec-
15 retary of Defense and the Director of Central Intel-
16 ligence under paragraph (1) shall address the full
17 range of information assurance measures needed to
18 protect and defend Federal information and informa-
19 tion systems by ensuring their integrity, confiden-
20 tiality, authenticity, availability, and nonrepudi-
21 ation.

22 (c) *DEPARTMENT OF JUSTICE.*—The Department of
23 Justice shall review and update guidance to agencies on—

1 (1) *legal remedies regarding security incidents*
2 *and ways to report to and work with law enforcement*
3 *agencies concerning such incidents; and*

4 (2) *lawful uses of security techniques and tech-*
5 *nologies.*

6 (d) *GENERAL SERVICES ADMINISTRATION.—The Gen-*
7 *eral Services Administration shall—*

8 (1) *review and update General Services Admin-*
9 *istration guidance to agencies on addressing security*
10 *considerations when acquiring information tech-*
11 *nology; and*

12 (2) *assist agencies in—*

13 (A) *fulfilling agency responsibilities under*
14 *section 3534(b)(2)(E) of title 44, United States*
15 *Code (as added by section 1402 of this Act); and*

16 (B) *the acquisition of cost-effective security*
17 *products, services, and incident response capa-*
18 *bilities.*

19 (e) *OFFICE OF PERSONNEL MANAGEMENT.—The Office*
20 *of Personnel Management shall—*

21 (1) *review and update Office of Personnel Man-*
22 *agement regulations concerning computer security*
23 *training for Federal civilian employees;*

24 (2) *assist the Department of Commerce in updat-*
25 *ing and maintaining guidelines for training in com-*

1 *puter security awareness and computer security best*
2 *practices; and*

3 *(3) work with the National Science Foundation*
4 *and other agencies on personnel and training initia-*
5 *tives (including scholarships and fellowships, as au-*
6 *thorized by law) as necessary to ensure that the Fed-*
7 *eral Government—*

8 *(A) has adequate sources of continuing in-*
9 *formation security education and training avail-*
10 *able for employees; and*

11 *(B) has an adequate supply of qualified in-*
12 *formation security professionals to meet agency*
13 *needs.*

14 *(f) INFORMATION SECURITY POLICIES, PRINCIPLES,*
15 *STANDARDS, AND GUIDELINES.—*

16 *(1) IN GENERAL.—Notwithstanding any provi-*
17 *sion of this title (including any amendment made by*
18 *this title)—*

19 *(A) the Secretary of Defense, the Director of*
20 *Central Intelligence, and other agency head as*
21 *designated by the President shall develop such*
22 *policies, principles, standards, and guidelines for*
23 *mission critical systems subject to their control;*

24 *(B) the policies, principles, standards, and*
25 *guidelines developed by the Secretary of Defense,*

1 *the Director of Central Intelligence, and other*
2 *agency head as designated by the President may*
3 *be adopted, to the extent that such policies are*
4 *consistent with policies and guidance developed*
5 *by the Director of the Office of Management and*
6 *Budget and the Secretary of Commerce—*

7 *(i) by the Director of the Office of*
8 *Management and Budget, as appropriate, to*
9 *the mission critical systems of all agencies;*

10 *or*

11 *(ii) by an agency head, as appropriate,*
12 *to the mission critical systems of that agen-*
13 *cy; and*

14 *(C) to the extent that such policies are con-*
15 *sistent with policies and guidance developed by*
16 *the Director of the Office of Management and*
17 *Budget and the Secretary of Commerce, an agen-*
18 *cy may develop and implement information se-*
19 *curity policies, principles, standards, and guide-*
20 *lines that provide more stringent protection than*
21 *those required under section 3533 of title 44,*
22 *United States Code (as added by section 1402 of*
23 *this Act), or subsection (a) of this section.*

24 *(2) MEASURES ADDRESSED.—The policies, prin-*
25 *ciples, standards, and guidelines developed by the Sec-*

1 *retary of Defense and the Director of Central Intel-*
 2 *ligence under paragraph (1) shall address the full*
 3 *range of information assurance measures needed to*
 4 *protect and defend Federal information and informa-*
 5 *tion systems by ensuring their integrity, confiden-*
 6 *tiality, authenticity, availability, and nonrepudi-*
 7 *ation.*

8 *(g) ATOMIC ENERGY ACT OF 1954.—Nothing in this*
 9 *title (including any amendment made by this title) shall*
 10 *supersede any requirement made by or under the Atomic*
 11 *Energy Act of 1954 (42 U.S.C. 2011 et seq.). Restricted*
 12 *Data or Formerly Restricted Data shall be handled, pro-*
 13 *tected, classified, downgraded, and declassified in con-*
 14 *formity with the Atomic Energy Act of 1954 (42 U.S.C.*
 15 *2011 et seq.).*

16 **SEC. 1404. TECHNICAL AND CONFORMING AMENDMENTS.**

17 *(a) IN GENERAL.—Chapter 35 of title 44, United*
 18 *States Code, is amended—*

19 *(1) in the table of sections—*

20 *(A) by inserting after the chapter heading*
 21 *the following:*

22 *“SUBCHAPTER I—FEDERAL INFORMATION*
 23 *POLICY”;*

24 *and*

1 (B) by inserting after the item relating to
2 section 3520 the following:

3 “SUBCHAPTER II—INFORMATION SECURITY

“Sec.

“3531. Purposes.

“3532. Definitions.

“3533. Authority and functions of the Director.

“3534. Federal agency responsibilities.

“3535. Annual independent evaluation.”;

4 and

5 (2) by inserting before section 3501 the following:

6 “SUBCHAPTER I—FEDERAL INFORMATION
7 POLICY”.

8 (b) REFERENCES TO CHAPTER 35.—Chapter 35 of title
9 44, United States Code, is amended—

10 (1) in section 3501—

11 (A) in the matter preceding paragraph (1),
12 by striking “chapter” and inserting “sub-
13 chapter”; and

14 (B) in paragraph (11), by striking “chap-
15 ter” and inserting “subchapter”;

16 (2) in section 3502, in the matter preceding
17 paragraph (1), by striking “chapter” and inserting
18 “subchapter”;

19 (3) in section 3503, in subsection (b), by striking
20 “chapter” and inserting “subchapter”;

21 (4) in section 3504—

1 (A) in subsection (a)(2), by striking “chap-
2 ter” and inserting “subchapter”;

3 (B) in subsection (d)(2), by striking “chap-
4 ter” and inserting “subchapter”; and

5 (C) in subsection (f)(1), by striking “chap-
6 ter” and inserting “subchapter”;

7 (5) in section 3505—

8 (A) in subsection (a), in the matter pre-
9 ceding paragraph (1), by striking “chapter” and
10 inserting “subchapter”;

11 (B) in subsection (a)(2), by striking “chap-
12 ter” and inserting “subchapter”; and

13 (C) in subsection (a)(3)(B)(iii), by striking
14 “chapter” and inserting “subchapter”;

15 (6) in section 3506—

16 (A) in subsection (a)(1)(B), by striking
17 “chapter” and inserting “subchapter”;

18 (B) in subsection (a)(2)(A), by striking
19 “chapter” and inserting “subchapter”;

20 (C) in subsection (a)(2)(B), by striking
21 “chapter” and inserting “subchapter”;

22 (D) in subsection (a)(3)—

23 (i) in the first sentence, by striking
24 “chapter” and inserting “subchapter”; and

- 1 (ii) in the second sentence, by striking
2 “chapter” and inserting “subchapter”;
3 (E) in subsection (b)(4), by striking “chap-
4 ter” and inserting “subchapter”;
5 (F) in subsection (c)(1), by striking “chap-
6 ter, to” and inserting “subchapter, to”; and
7 (G) in subsection (c)(1)(A), by striking
8 “chapter” and inserting “subchapter”;
9 (7) in section 3507—
10 (A) in subsection (e)(3)(B), by striking
11 “chapter” and inserting “subchapter”;
12 (B) in subsection (h)(2)(B), by striking
13 “chapter” and inserting “subchapter”;
14 (C) in subsection (h)(3), by striking “chap-
15 ter” and inserting “subchapter”;
16 (D) in subsection (j)(1)(A)(i), by striking
17 “chapter” and inserting “subchapter”;
18 (E) in subsection (j)(1)(B), by striking
19 “chapter” and inserting “subchapter”; and
20 (F) in subsection (j)(2), by striking “chap-
21 ter” and inserting “subchapter”;
22 (8) in section 3509, by striking “chapter” and
23 inserting “subchapter”;
24 (9) in section 3512—

1 (A) in subsection (a), by striking “chapter
2 if” and inserting “subchapter if”; and

3 (B) in subsection (a)(1), by striking “chap-
4 ter” and inserting “subchapter”;
5 (10) in section 3514—

6 (A) in subsection (a)(1)(A), by striking
7 “chapter” and inserting “subchapter”; and

8 (B) in subsection (a)(2)(A)(ii), by striking
9 “chapter” and inserting “subchapter” each place
10 it appears;

11 (11) in section 3515, by striking “chapter” and
12 inserting “subchapter”;

13 (12) in section 3516, by striking “chapter” and
14 inserting “subchapter”;

15 (13) in section 3517(b), by striking “chapter”
16 and inserting “subchapter”;

17 (14) in section 3518—

18 (A) in subsection (a), by striking “chapter”
19 and inserting “subchapter” each place it ap-
20 pears;

21 (B) in subsection (b), by striking “chapter”
22 and inserting “subchapter”;

23 (C) in subsection (c)(1), by striking “chap-
24 ter” and inserting “subchapter”;

1 (D) in subsection (c)(2), by striking “chap-
2 ter” and inserting “subchapter”;

3 (E) in subsection (d), by striking “chapter”
4 and inserting “subchapter”; and

5 (F) in subsection (e), by striking “chapter”
6 and inserting “subchapter”; and

7 (15) in section 3520, by striking “chapter” and
8 inserting “subchapter”.

9 **SEC. 1405. EFFECTIVE DATE.**

10 This title and the amendments made by this title shall
11 take effect 30 days after the date of enactment of this Act.

12 **TITLE XV—LOCAL LAW EN-**
13 **FORCEMENT ENHANCEMENT**
14 **ACT OF 2000**

15 **SEC. 1501. SHORT TITLE.**

16 This title may be cited as the “Local Law Enforcement
17 Enhancement Act of 2000”.

18 **SEC. 1502. FINDINGS.**

19 Congress makes the following findings:

20 (1) The incidence of violence motivated by the
21 actual or perceived race, color, religion, national ori-
22 gin, gender, sexual orientation, or disability of the
23 victim poses a serious national problem.

24 (2) Such violence disrupts the tranquility and
25 safety of communities and is deeply divisive.

1 (3) *State and local authorities are now and will*
2 *continue to be responsible for prosecuting the over-*
3 *whelming majority of violent crimes in the United*
4 *States, including violent crimes motivated by bias.*
5 *These authorities can carry out their responsibilities*
6 *more effectively with greater Federal assistance.*

7 (4) *Existing Federal law is inadequate to ad-*
8 *dress this problem.*

9 (5) *The prominent characteristic of a violent*
10 *crime motivated by bias is that it devastates not just*
11 *the actual victim and the victim's family and friends,*
12 *but frequently savages the community sharing the*
13 *traits that caused the victim to be selected.*

14 (6) *Such violence substantially affects interstate*
15 *commerce in many ways, including—*

16 (A) *by impeding the movement of members*
17 *of targeted groups and forcing such members to*
18 *move across State lines to escape the incidence or*
19 *risk of such violence; and*

20 (B) *by preventing members of targeted*
21 *groups from purchasing goods and services, ob-*
22 *taining or sustaining employment or partici-*
23 *pating in other commercial activity.*

24 (7) *Perpetrators cross State lines to commit such*
25 *violence.*

1 (8) *Channels, facilities, and instrumentalities of*
2 *interstate commerce are used to facilitate the commis-*
3 *sion of such violence.*

4 (9) *Such violence is committed using articles*
5 *that have traveled in interstate commerce.*

6 (10) *For generations, the institutions of slavery*
7 *and involuntary servitude were defined by the race,*
8 *color, and ancestry of those held in bondage. Slavery*
9 *and involuntary servitude were enforced, both prior to*
10 *and after the adoption of the 13th amendment to the*
11 *Constitution of the United States, through widespread*
12 *public and private violence directed at persons be-*
13 *cause of their race, color, or ancestry, or perceived*
14 *race, color, or ancestry. Accordingly, eliminating ra-*
15 *cially motivated violence is an important means of*
16 *eliminating, to the extent possible, the badges, inci-*
17 *dents, and relics of slavery and involuntary servitude.*

18 (11) *Both at the time when the 13th, 14th, and*
19 *15th amendments to the Constitution of the United*
20 *States were adopted, and continuing to date, members*
21 *of certain religious and national origin groups were*
22 *and are perceived to be distinct “races”. Thus, in*
23 *order to eliminate, to the extent possible, the badges,*
24 *incidents, and relics of slavery, it is necessary to pro-*
25 *hibit assaults on the basis of real or perceived reli-*

gions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(12) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(13) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States and local jurisdictions.

SEC. 1503. DEFINITION OF HATE CRIME.

In this title, the term “hate crime” has the same meaning as in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note).

SEC. 1504. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a law enforcement official of a State or Indian tribe, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the

1 *criminal investigation or prosecution of any crime*
2 *that—*

3 *(A) constitutes a crime of violence (as de-*
4 *fined in section 16 of title 18, United States*
5 *Code);*

6 *(B) constitutes a felony under the laws of*
7 *the State or Indian tribe; and*

8 *(C) is motivated by prejudice based on the*
9 *victim's race, color, religion, national origin,*
10 *gender, sexual orientation, or disability or is a*
11 *violation of the hate crime laws of the State or*
12 *Indian tribe.*

13 *(2) PRIORITY.—In providing assistance under*
14 *paragraph (1), the Attorney General shall give pri-*
15 *ority to crimes committed by offenders who have com-*
16 *mitted crimes in more than 1 State and to rural ju-*
17 *risdictions that have difficulty covering the extraor-*
18 *dinary expenses relating to the investigation or pros-*
19 *ecution of the crime.*

20 *(b) GRANTS.—*

21 *(1) IN GENERAL.—The Attorney General may*
22 *award grants to assist State, local, and Indian law*
23 *enforcement officials with the extraordinary expenses*
24 *associated with the investigation and prosecution of*
25 *hate crimes. In implementing the grant program, the*

1 *Office of Justice Programs shall work closely with the*
2 *funded jurisdictions to ensure that the concerns and*
3 *needs of all affected parties, including community*
4 *groups and schools, colleges, and universities, are ad-*
5 *dressed through the local infrastructure developed*
6 *under the grants.*

7 (2) *APPLICATION.—*

8 (A) *IN GENERAL.—Each State desiring a*
9 *grant under this subsection shall submit an ap-*
10 *plication to the Attorney General at such time,*
11 *in such manner, and accompanied by or con-*
12 *taining such information as the Attorney Gen-*
13 *eral shall reasonably require.*

14 (B) *DATE FOR SUBMISSION.—Applications*
15 *submitted pursuant to subparagraph (A) shall be*
16 *submitted during the 60-day period beginning on*
17 *a date that the Attorney General shall prescribe.*

18 (C) *REQUIREMENTS.—A State or political*
19 *subdivision of a State or tribal official applying*
20 *for assistance under this subsection shall—*

21 (i) *describe the extraordinary purposes*
22 *for which the grant is needed;*

23 (ii) *certify that the State, political sub-*
24 *division, or Indian tribe lacks the resources*

1 *necessary to investigate or prosecute the*
2 *hate crime;*

3 *(iii) demonstrate that, in developing a*
4 *plan to implement the grant, the State, po-*
5 *litical subdivision, or tribal official has con-*
6 *sulted and coordinated with nonprofit, non-*
7 *governmental victim services programs that*
8 *have experience in providing services to vic-*
9 *tims of hate crimes; and*

10 *(iv) certify that any Federal funds re-*
11 *ceived under this subsection will be used to*
12 *supplement, not supplant, non-Federal*
13 *funds that would otherwise be available for*
14 *activities funded under this subsection.*

15 (3) *DEADLINE.*—*An application for a grant*
16 *under this subsection shall be approved or dis-*
17 *approved by the Attorney General not later than 30*
18 *business days after the date on which the Attorney*
19 *General receives the application.*

20 (4) *GRANT AMOUNT.*—*A grant under this sub-*
21 *section shall not exceed \$100,000 for any single juris-*
22 *isdiction within a 1 year period.*

23 (5) *REPORT.*—*Not later than December 31, 2001,*
24 *the Attorney General shall submit to Congress a re-*
25 *port describing the applications submitted for grants*

1 *under this subsection, the award of such grants, and*
2 *the purposes for which the grant amounts were ex-*
3 *pended.*

4 (6) *AUTHORIZATION OF APPROPRIATIONS.—*

5 *There is authorized to be appropriated to carry out*
6 *this subsection \$5,000,000 for each of fiscal years*
7 *2001 and 2002.*

8 **SEC. 1505. GRANT PROGRAM.**

9 (a) *AUTHORITY TO MAKE GRANTS.—The Office of*
10 *Justice Programs of the Department of Justice shall award*
11 *grants, in accordance with such regulations as the Attorney*
12 *General may prescribe, to State and local programs de-*
13 *signed to combat hate crimes committed by juveniles, in-*
14 *cluding programs to train local law enforcement officers in*
15 *identifying, investigating, prosecuting, and preventing hate*
16 *crimes.*

17 (b) *AUTHORIZATION OF APPROPRIATIONS.—There are*
18 *authorized to be appropriated such sums as may be nec-*
19 *essary to carry out this section.*

20 **SEC. 1506. AUTHORIZATION FOR ADDITIONAL PERSONNEL**

21 **TO ASSIST STATE AND LOCAL LAW ENFORCE-**
22 **MENT.**

23 *There are authorized to be appropriated to the Depart-*
24 *ment of the Treasury and the Department of Justice, in-*
25 *cluding the Community Relations Service, for fiscal years*

1 2001, 2002, and 2003 such sums as are necessary to in-
 2 crease the number of personnel to prevent and respond to
 3 alleged violations of section 249 of title 18, United States
 4 Code (as added by this title).

5 **SEC. 1507. PROHIBITION OF CERTAIN HATE CRIME ACTS.**

6 (a) *IN GENERAL*.—Chapter 13 of title 18, United
 7 States Code, is amended by adding at the end the following:

8 **“§ 249. Hate crime acts**

9 “(a) *IN GENERAL*.—

10 “(1) *OFFENSES INVOLVING ACTUAL OR PER-*
 11 *CEIVED RACE, COLOR, RELIGION, OR NATIONAL ORI-*
 12 *GIN*.—Whoever, whether or not acting under color of
 13 law, willfully causes bodily injury to any person or,
 14 through the use of fire, a firearm, or an explosive or
 15 incendiary device, attempts to cause bodily injury to
 16 any person, because of the actual or perceived race,
 17 color, religion, or national origin of any person—

18 “(A) shall be imprisoned not more than 10
 19 years, fined in accordance with this title, or
 20 both; and

21 “(B) shall be imprisoned for any term of
 22 years or for life, fined in accordance with this
 23 title, or both, if—

24 “(i) death results from the offense; or

1 “(ii) the offense includes kidnaping or
 2 an attempt to kidnap, aggravated sexual
 3 abuse or an attempt to commit aggravated
 4 sexual abuse, or an attempt to kill.

5 “(2) OFFENSES INVOLVING ACTUAL OR PER-
 6 CEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEX-
 7 UAL ORIENTATION, OR DISABILITY.—

8 “(A) IN GENERAL.—Whoever, whether or
 9 not acting under color of law, in any cir-
 10 cumstance described in subparagraph (B), will-
 11 fully causes bodily injury to any person or,
 12 through the use of fire, a firearm, or an explosive
 13 or incendiary device, attempts to cause bodily
 14 injury to any person, because of the actual or
 15 perceived religion, national origin, gender, sex-
 16 ual orientation, or disability of any person—

17 “(i) shall be imprisoned not more than
 18 10 years, fined in accordance with this title,
 19 or both; and

20 “(ii) shall be imprisoned for any term
 21 of years or for life, fined in accordance with
 22 this title, or both, if—

23 “(I) death results from the offense;
 24 or

1 “(II) the offense includes kid-
2 naping or an attempt to kidnap, ag-
3 gravated sexual abuse or an attempt to
4 commit aggravated sexual abuse, or an
5 attempt to kill.

6 “(B) CIRCUMSTANCES DESCRIBED.—For
7 purposes of subparagraph (A), the circumstances
8 described in this subparagraph are that—

9 “(i) the conduct described in subpara-
10 graph (A) occurs during the course of, or as
11 the result of, the travel of the defendant or
12 the victim—

13 “(I) across a State line or na-
14 tional border; or

15 “(II) using a channel, facility, or
16 instrumentality of interstate or foreign
17 commerce;

18 “(ii) the defendant uses a channel, fa-
19 cility, or instrumentality of interstate or
20 foreign commerce in connection with the
21 conduct described in subparagraph (A);

22 “(iii) in connection with the conduct
23 described in subparagraph (A) the defend-
24 ant employs a firearm, explosive or incen-

1 *diary device, or other weapon that has trav-*
2 *eled in interstate or foreign commerce; or*

3 *“(iv) the conduct described in subpara-*
4 *graph (A)—*

5 *“(I) interferes with commercial or*
6 *other economic activity in which the*
7 *victim is engaged at the time of the*
8 *conduct; or*

9 *“(II) otherwise affects interstate*
10 *or foreign commerce.*

11 *“(b) CERTIFICATION REQUIREMENT.—No prosecution*
12 *of any offense described in this subsection may be under-*
13 *taken by the United States, except under the certification*
14 *in writing of the Attorney General, the Deputy Attorney*
15 *General, the Associate Attorney General, or any Assistant*
16 *Attorney General specially designated by the Attorney Gen-*
17 *eral that—*

18 *“(1) he or she has reasonable cause to believe*
19 *that the actual or perceived race, color, religion, na-*
20 *tional origin, gender, sexual orientation, or disability*
21 *of any person was a motivating factor underlying the*
22 *alleged conduct of the defendant; and*

23 *“(2) he or his designee or she or her designee has*
24 *consulted with State or local law enforcement officials*
25 *regarding the prosecution and determined that—*

1 “(A) the State does not have jurisdiction or
2 does not intend to exercise jurisdiction;

3 “(B) the State has requested that the Fed-
4 eral Government assume jurisdiction;

5 “(C) the State does not object to the Federal
6 Government assuming jurisdiction; or

7 “(D) the verdict or sentence obtained pursu-
8 ant to State charges left demonstratively
9 unvindicated the Federal interest in eradicating
10 bias-motivated violence.

11 “(c) *DEFINITIONS.*—In this section—

12 “(1) the term ‘explosive or incendiary device’ has
13 the meaning given the term in section 232 of this
14 title; and

15 “(2) the term ‘firearm’ has the meaning given
16 the term in section 921(a) of this title.”.

17 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The
18 analysis for chapter 13 of title 18, United States Code, is
19 amended by adding at the end the following:

“249. Hate crime acts.”.

20 **SEC. 1508. DUTIES OF FEDERAL SENTENCING COMMISSION.**

21 (a) *AMENDMENT OF FEDERAL SENTENCING GUIDE-*
22 *LINES.*—Pursuant to its authority under section 994 of title
23 28, United States Code, the United States Sentencing Com-
24 mission shall study the issue of adult recruitment of juve-
25 niles to commit hate crimes and shall, if appropriate,

1 *amend the Federal sentencing guidelines to provide sen-*
 2 *tencing enhancements (in addition to the sentencing en-*
 3 *hancement provided for the use of a minor during the com-*
 4 *mission of an offense) for adult defendants who recruit juve-*
 5 *niles to assist in the commission of hate crimes.*

6 *(b) CONSISTENCY WITH OTHER GUIDELINES.—In car-*
 7 *rying out this section, the United States Sentencing Com-*
 8 *mission shall—*

9 *(1) ensure that there is reasonable consistency*
 10 *with other Federal sentencing guidelines; and*

11 *(2) avoid duplicative punishments for substan-*
 12 *tially the same offense.*

13 **SEC. 1509. STATISTICS.**

14 *Subsection (b)(1) of the first section of the Hate Crimes*
 15 *Statistics Act (28 U.S.C. 534 note) is amended by inserting*
 16 *“gender,” after “race,”.*

17 **SEC. 1510. SEVERABILITY.**

18 *If any provision of this title, an amendment made by*
 19 *this title, or the application of such provision or amend-*
 20 *ment to any person or circumstance is held to be unconsti-*
 21 *tutional, the remainder of this title, the amendments made*
 22 *by this title, and the application of the provisions of such*
 23 *to any person or circumstance shall not be affected thereby.*

**DIVISION B—MILITARY CON-
STRUCTION AUTHORIZA-
TIONS**

SEC. 2001. SHORT TITLE.

*This division may be cited as the “Military Construc-
tion Authorization Act for Fiscal Year 2001”.*

TITLE XXI—ARMY

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND
ACQUISITION PROJECTS.**

*(a) INSIDE THE UNITED STATES.—Using amounts ap-
propriated pursuant to the authorization of appropriations
in section 2104(a)(1), the Secretary of the Army may ac-
quire real property and carry out military construction
projects for the installations and locations inside the United
States, and in the amounts, set forth in the following table:*

Army: Inside the United States

State	Installation or location	Amount
<i>Alabama</i>	<i>Redstone Arsenal</i>	<i>\$23,400,000</i>
<i>Alaska</i>	<i>Fort Richardson</i>	<i>\$3,000,000</i>
<i>Arizona</i>	<i>Fort Huachuca</i>	<i>\$1,250,000</i>
<i>California</i>	<i>Fort Irwin</i>	<i>\$31,000,000</i>
<i>Georgia</i>	<i>Fort Benning</i>	<i>\$15,800,000</i>
<i>Hawaii</i>	<i>Pohakuloa Training Range</i>	<i>\$32,000,000</i>
	<i>Wheeler Army Air Field</i>	<i>\$43,800,000</i>
<i>Kansas</i>	<i>Fort Riley</i>	<i>\$22,000,000</i>
<i>Maryland</i>	<i>Aberdeen Proving Ground</i>	<i>\$3,100,000</i>
	<i>Fort Meade</i>	<i>\$19,000,000</i>
<i>Missouri</i>	<i>Fort Leonard Wood</i>	<i>\$61,200,000</i>
<i>North Carolina</i>	<i>Fort Bragg</i>	<i>\$222,200,000</i>
	<i>Sunny Point Military Ocean Terminal</i>	<i>\$2,300,000</i>
<i>Ohio</i>	<i>Columbus</i>	<i>\$1,832,000</i>
<i>Oklahoma</i>	<i>Fort Sill</i>	<i>\$10,100,000</i>
<i>Pennsylvania</i>	<i>Carlisle Barracks</i>	<i>\$10,500,000</i>
	<i>New Cumberland Army Depot</i>	<i>\$3,700,000</i>
<i>Texas</i>	<i>Fort Bliss</i>	<i>\$26,000,000</i>
	<i>Fort Hood</i>	<i>\$26,000,000</i>
	<i>Red River Army Depot</i>	<i>\$800,000</i>
<i>Virginia</i>	<i>Fort Eustis</i>	<i>\$4,450,000</i>

Army: Inside the United States—Continued

State	Installation or location	Amount
	<i>Total:</i>	\$563,432,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2104(a)(2), the Secretary of the Army may
4 acquire real property and carry out military construction
5 projects for the locations outside the United States, and in
6 the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
<i>Germany</i>	<i>Area Support Group, Bamberg</i>	\$11,650,000
	<i>Area Support Group, Darmstadt</i>	\$11,300,000
	<i>Kaiserslautern</i>	\$3,400,000
	<i>Mannheim</i>	\$4,050,000
<i>Korea</i>	<i>Camp Humphreys</i>	\$14,200,000
	<i>Camp Page</i>	\$19,500,000
	<i>Total:</i>	\$64,100,000

7 (c) *UNSPECIFIED WORLDWIDE.*—Using amounts ap-
8 propriated pursuant to the authorization of appropriations
9 in section 2104(a)(3), the Secretary of the Army may ac-
10 quire real property and carry out military construction
11 projects for the installation and location, and in the
12 amount, set forth in the following table:

Army: Unspecified Worldwide

Location	Installation	Amount
<i>Unspecified Worldwide</i>	<i>Classified Location</i>	\$11,500,000

SEC. 2102. FAMILY HOUSING.

14 (a) *CONSTRUCTION AND ACQUISITION.*—Using
15 amounts appropriated pursuant to the authorization of ap-

1 *appropriations in section 2104(a)(6)(A), the Secretary of the*
 2 *Army may construct or acquire family housing units (in-*
 3 *cluding land acquisition) at the installations, for the pur-*
 4 *poses, and in the amounts set forth in the following table:*

Army: Family Housing

State or County	Installation or loca- tion	Purpose	Amount
<i>Alaska</i>	<i>Fort Wainwright</i>	<i>72 Units</i>	<i>\$24,000,000</i>
<i>Arizona</i>	<i>Fort Huachuca</i>	<i>110 Units</i>	<i>\$16,224,000</i>
<i>Hawaii</i>	<i>Schofield Barracks</i>	<i>72 Units</i>	<i>\$15,500,000</i>
<i>Kentucky</i>	<i>Fort Campbell</i>	<i>56 Units</i>	<i>\$7,800,000</i>
	<i>Fort Campbell</i>	<i>128 Units</i>	<i>\$20,000,000</i>
<i>Maryland</i>	<i>Fort Detrick</i>	<i>48 Units</i>	<i>\$5,600,000</i>
<i>North Carolina</i>	<i>Fort Bragg</i>	<i>112 Units</i>	<i>\$14,600,000</i>
<i>South Carolina</i>	<i>Fort Jackson</i>	<i>1 Unit</i>	<i>\$250,000</i>
<i>Texas</i>	<i>Fort Bliss</i>	<i>64 Units</i>	<i>\$10,200,000</i>
	<i>Fort Sam Houston</i>	<i>80 Units</i>	<i>\$10,000,000</i>
<i>Korea</i>	<i>Camp Humphreys</i>	<i>60 Units</i>	<i>\$21,800,000</i>
	<i>Total:</i>	<i>.....</i>	<i>\$145,974,000</i>

5 *(b) PLANNING AND DESIGN.—Using amounts appro-*
 6 *priated pursuant to the authorization of appropriations in*
 7 *section 2104(a)(6)(A), the Secretary of the Army may carry*
 8 *out architectural and engineering services and construction*
 9 *design activities with respect to the construction or im-*
 10 *provement of family housing units in an amount not to*
 11 *exceed \$8,742,000.*

12 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 13 **UNITS.**

14 *Subject to section 2825 of title 10, United States Code,*
 15 *and using amounts appropriated pursuant to the author-*
 16 *ization of appropriations in section 2104(a)(6)(A), the Sec-*
 17 *retary of the Army may improve existing military family*
 18 *housing units in an amount not to exceed \$63,590,000.*

1 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

2 (a) *IN GENERAL.*—Subject to subsection (c), funds are
3 hereby authorized to be appropriated for fiscal years begin-
4 ning after September 30, 2000, for military construction,
5 land acquisition, and military family housing functions of
6 the Department of the Army in the total amount of
7 \$1,978,295,000 as follows:

8 (1) *For military construction projects inside the*
9 *United States authorized by section 2101(a),*
10 *\$372,832,000.*

11 (2) *For military construction projects outside the*
12 *United States authorized by section 2101(b),*
13 *\$64,100,000.*

14 (3) *For military construction projects at unspec-*
15 *ified worldwide locations authorized by section*
16 *2101(c), \$11,500,000.*

17 (4) *For unspecified minor construction projects*
18 *authorized by section 2805 of title 10, United States*
19 *Code, \$15,000,000.*

20 (5) *For architectural and engineering services*
21 *and construction design under section 2807 of title*
22 *10, United States Code, \$97,482,000.*

23 (6) *For military family housing functions:*

24 (A) *For construction and acquisition, plan-*
25 *ning and design, and improvement of military*
26 *family housing and facilities, \$218,306,000.*

1 (B) *For support of military family housing*
2 *(including the functions described in section*
3 *2833 of title 10, United States Code),*
4 *\$978,275,000.*

5 (7) *For the construction of the Ammunition De-*
6 *militarization Facility, Pine Bluff Arsenal, Arkansas,*
7 *authorized in section 2401(a) of the Military Con-*
8 *struction Authorization Act for Fiscal Year 1995 (di-*
9 *vision B of Public Law 103–337; 108 Stat. 3040), as*
10 *amended by section 2407 of the Military Construction*
11 *Authorization Act for Fiscal Year 1996 (division B of*
12 *Public Law 104–106; 110 Stat. 539), section 2408 of*
13 *the Military Construction Authorization Act for Fis-*
14 *cal Year 1998 (division B of Public Law 105–85; 111*
15 *Stat. 1982), and section 2406 of the Military Con-*
16 *struction Authorization Act for Fiscal Year 1999 (di-*
17 *vision B of Public Law 105–261; 112 Stat. 2197),*
18 *\$43,600,000.*

19 (8) *For the construction of the Ammunition De-*
20 *militarization Facility Phase 6, Umatilla Army*
21 *Depot, Oregon, authorized in section 2401(a) of the*
22 *Military Construction Authorization Act for Fiscal*
23 *Year 1995, as amended by section 2407 of the Mili-*
24 *tary Construction Authorization Act for Fiscal Year*
25 *1996, section 2408 of the Military Construction Au-*

1 *thorization Act for Fiscal Year 1998, and section*
2 *2406 of the Military Construction Authorization Act*
3 *for Fiscal Year 1999, \$9,400,000.*

4 *(9) For the construction of the Ammunition De-*
5 *militarization Facility Phase 2, Pueblo Army Depot,*
6 *Colorado, authorized in section 2401(a) of the Mili-*
7 *tary Construction Authorization Act for Fiscal Year*
8 *1997 (division B of Public Law 104–201; 110 Stat.*
9 *2775), as amended by section 2406 of the Military*
10 *Construction Authorization Act for Fiscal Year 2000*
11 *(division B of Public Law 106–65; 113 Stat. 839),*
12 *\$10,700,000.*

13 *(10) For the construction of the Ammunition De-*
14 *militarization Facility Phase 3, Newport Army*
15 *Depot, Indiana, authorized in section 2401(a) of the*
16 *Military Construction Authorization Act for Fiscal*
17 *Year 1999 (112 Stat. 2193), \$54,400,000.*

18 *(11) For the construction of the Ammunition De-*
19 *militarization Facility phase 3, Aberdeen Proving*
20 *Ground, Maryland, authorized in section 2401(a) of*
21 *the Military Construction Authorization Act for Fis-*
22 *cal Year 1999, \$45,700,000.*

23 *(12) For the construction of the railhead facility,*
24 *Fort Hood, Texas, authorized in section 2101(a) of*
25 *the Military Construction Authorization Act for Fis-*

1 *cal Year 1999, as amended by section 2106 of this*
2 *Act, \$9,800,000.*

3 *(13) For the construction of a Barracks Com-*
4 *plex—Infantry Drive Phase 1C, Fort Riley, Kansas,*
5 *authorized in section 2101(a) of the Military Con-*
6 *struction Authorization Act for Fiscal Year 1999, as*
7 *amended by section 2106 of this Act, \$10,000,000.*

8 *(14) For the construction of a Multipurpose Dig-*
9 *ital Range Phase 3, Fort Knox, Kentucky, authorized*
10 *in section 2101(a) of the Military Construction Au-*
11 *thorization Act for Fiscal Year 1999, \$600,000.*

12 *(15) For the construction of the Chemical De-*
13 *fense Qualification Facility, Pine Bluff Arsenal, Ar-*
14 *kansas, authorized in section 2101(a) of the Military*
15 *Construction Authorization Act for Fiscal Year 2000*
16 *(113 Stat. 825), \$2,592,000.*

17 *(16) For the construction of a Barracks Com-*
18 *plex—Wilson Street Phase 1B, Schofield Barracks,*
19 *Hawaii, authorized in section 2101(a) of the Military*
20 *Construction Authorization Act for Fiscal Year 2000,*
21 *\$22,400,000.*

22 *(17) For the construction of the Ammunition De-*
23 *militarization Support Phase 2, Blue Grass Army*
24 *Depot, Kentucky, authorized in section 2401(a) the*

1 *Military Construction Act for Fiscal Year 2000 (113*
2 *Stat. 836), \$8,500,000.*

3 *(18) For the construction of a Barracks Com-*
4 *plex—Tagaytay Street Phase 2B, Fort Bragg, North*
5 *Carolina, authorized in section 2101(a) of the Mili-*
6 *tary Construction Act for Fiscal Year 2000,*
7 *\$3,108,000.*

8 *(b) LIMITATION ON TOTAL COST OF CONSTRUCTION*
9 *PROJECTS.—Notwithstanding the cost variations author-*
10 *ized by section 2853 of title 10, United States Code, and*
11 *any other cost variations authorized by law, the total cost*
12 *of all projects carried out under section 2101 of this Act*
13 *may not exceed—*

14 *(1) the total amount authorized to be appro-*
15 *priated under paragraphs (1) and (2) of subsection*
16 *(a);*

17 *(2) \$22,600,000 (the balance of the amount au-*
18 *thorized under section 2101(a) for the construction of*
19 *a Basic Training Complex at Fort Leonard Wood,*
20 *Missouri);*

21 *(3) \$10,000,000 (the balance of the amount au-*
22 *thorized under section 2101(a) for construction of a*
23 *Multipurpose Digital Training Range at Fort Hood,*
24 *Texas);*

1 (4) \$34,000,000 (the balance of the amount au-
 2 thorized under section 2101(a) for construction of a
 3 barracks complex, Longstreet Road Phase I at Fort
 4 Bragg, North Carolina);

5 (5) \$104,000,000 (the balance of the amount au-
 6 thorized under section 2101(a) for the construction of
 7 a barracks complex, Bunter Road Phase I at Fort
 8 Bragg, North Carolina); and

9 (6) \$20,000,000 (the balance of the amount au-
 10 thorized under section 2101(a) for the construction of
 11 Saddle Access Road, Pohakuloa Training Facility,
 12 Hawaii).

13 (c) *ADJUSTMENT.*—The total amount authorized to be
 14 appropriated pursuant to paragraphs (1) through (18) of
 15 subsection (a) is the sum of the amounts authorized to be
 16 appropriated by those paragraphs, reduced by \$20,546,000
 17 which represents savings in the foreign currency account.

18 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**

19 **CERTAIN FISCAL YEAR 2000 PROJECTS.**

20 (a) *CONSTRUCTION PROJECTS INSIDE THE UNITED*
 21 *STATES.*—The table in section 2101(a) of the Military Con-
 22 struction Authorization Act for Fiscal Year 2000 (division
 23 B of Public Law 106–65; 113 Stat. 825) is amended—

1 (1) *in the item relating to Fort Stewart, Georgia,*
 2 *by striking “\$71,700,000” in the amount column*
 3 *and inserting “\$25,700,000”;*

4 (2) *by striking the item relating to Fort Riley,*
 5 *Kansas; and*

6 (3) *by striking the amount identified as the total*
 7 *in the amount column and inserting “\$956,750,000”.*

8 (b) *UNSPECIFIED MINOR CONSTRUCTION PROJECTS.—*
 9 *Subsection (a)(3) of section 2104 of the Military Construc-*
 10 *tion Authorization Act for Fiscal Year 2000 (113 Stat. 826)*
 11 *is amended by striking “\$9,500,000” and inserting*
 12 *“\$14,600,000”.*

13 (c) *CONFORMING AMENDMENTS.—Section 2104 of the*
 14 *Military Construction Authorization Act for Fiscal Year*
 15 *2000 is further amended—*

16 (1) *in the matter preceding subsection (a), by*
 17 *striking “\$2,353,231,000” and inserting*
 18 *“\$2,358,331,000”; and*

19 (2) *by striking paragraph (7) of subsection (b).*

20 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**
 21 **CERTAIN FISCAL YEAR 1999 PROJECTS.**

22 (a) *MODIFICATION.—The table in section 2101 of the*
 23 *Military Construction Authorization Act for Fiscal Year*
 24 *1999 (division B of Public Law 105–261; 112 Stat. 2182)*
 25 *is amended—*

1 (1) *in the item relating to Fort Hood, Texas, by*
 2 *striking “\$32,500,000” in the amount column and in-*
 3 *serting “\$45,300,000”;*

4 (2) *in the item relating to Fort Riley, Kansas,*
 5 *by striking “\$41,000,000” in the amount column and*
 6 *inserting “\$44,500,000”; and*

7 (3) *by striking the amount identified as the total*
 8 *in the amount column and inserting “\$785,081,000”.*

9 (b) *CONFORMING AMENDMENTS.—Section 2104 of that*
 10 *Act (112 Stat. 2184) is amended—*

11 (1) *in the matter preceding subsection (a), by*
 12 *striking “\$2,098,713,000” and inserting*
 13 *“\$2,111,513,000”;*

14 (2) *in subsection (a)(1)(1), by striking*
 15 *“\$609,076,000” and inserting “\$622,581,000”; and*

16 (3) *in subsection (b)(7), by striking*
 17 *“\$24,500,000” and inserting “\$28,000,000”.*

18 **SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT**

19 **FISCAL YEAR 1998 PROJECT.**

20 (a) *MODIFICATION.—The table in section 2101(a) of*
 21 *the Military Construction Authorization Act for Fiscal Year*
 22 *1998 (division B of Public Law 105–85; 111 Stat. 1967),*
 23 *as amended by section 2105(a) of the Military Construction*
 24 *Authorization Act for Fiscal Year 1999 (division B of Pub-*
 25 *lic Law 105–261; 112 Stat. 2185) is further amended—*

1 (1) *in the item relating to Hunter Army Air-*
 2 *field, Fort Stewart, Georgia, by striking*
 3 *“\$54,000,000” in the amount column and inserting*
 4 *“\$57,500,000”; and*

5 (2) *by striking the amount identified as the total*
 6 *in the amount column and inserting “\$606,250,000”.*

7 (b) *CONFORMING AMENDMENT.—Section 2104(b)(5) of*
 8 *the Military Construction Authorization Act for Fiscal Year*
 9 *1998 (111 Stat. 1969) is amended by striking*
 10 *“\$42,500,000” and inserting “\$46,000,000”.*

11 **SEC. 2108. AUTHORITY TO ACCEPT FUNDS FOR REALIGN-**
 12 **MENT OF CERTAIN MILITARY CONSTRUCTION**
 13 **PROJECT, FORT CAMPBELL, KENTUCKY.**

14 (a) *AUTHORITY TO ACCEPT FUNDS.—(1) The Sec-*
 15 *retary of the Army may accept funds from the Federal*
 16 *Highway Administration or the State of Kentucky for pur-*
 17 *poses of funding all costs associated with the realignment*
 18 *of the military construction project involving a rail con-*
 19 *ductor located at Fort Campbell, Kentucky, authorized in*
 20 *section 2101(a) of the Military Construction Authorization*
 21 *Act for Fiscal Year 1997 (division B of Public Law 104–*
 22 *201; 110 Stat. 2763).*

23 (2) *Any funds accepted under paragraph (1) shall be*
 24 *credited to the account of the Department of the Army from*

1 *which the costs of the realignment of the military construc-*
 2 *tion project described in that paragraph are to be paid.*

3 (b) *USE OF FUNDS.—(1) The Secretary may use funds*
 4 *accepted under subsection (a) for any costs associated with*
 5 *the realignment of the military construction project de-*
 6 *scribed in that subsection in addition to any amounts au-*
 7 *thorized and appropriated for the military construction*
 8 *project.*

9 (2) *For purposes of paragraph (1), the costs associated*
 10 *with the realignment of the military construction project*
 11 *described in subsection (a) include redesign costs, addi-*
 12 *tional construction costs, additional costs due to construc-*
 13 *tion delays related to the realignment, and additional real*
 14 *estate costs.*

15 (3) *Funds accepted under subsection (a) shall remain*
 16 *available under paragraph (1) until expended.*

17 ***TITLE XXII—NAVY***

18 ***SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND***

19 ***ACQUISITION PROJECTS.***

20 (a) *INSIDE THE UNITED STATES.—Using amounts ap-*
 21 *propriated pursuant to the authorization of appropriations*
 22 *in section 2204(a)(1), the Secretary of the Navy may ac-*
 23 *quire real property and carry out military construction*
 24 *projects for the installations and locations inside the United*
 25 *States, and in the amounts, set forth in the following table:*

Navy: Inside the United States

State	Installation or location	Amount
<i>Arizona</i>	<i>Marine Corps Air Station, Yuma</i>	<i>\$8,200,000</i>
	<i>Navy Detachment, Camp Navajo</i>	<i>\$2,940,000</i>
<i>California</i>	<i>Marine Corps Air Station, Miramar</i>	<i>\$7,350,000</i>
	<i>Marine Corps Air-Ground Combat Center, Twentynine Palms.</i>	<i>\$2,100,000</i>
	<i>Marine Corps Base, Camp Pendleton</i>	<i>\$8,100,000</i>
	<i>Naval Air Station, Lemoore</i>	<i>\$8,260,000</i>
	<i>Naval Air Warfare Center Weapons Division, Point Mugu.</i>	<i>\$11,400,000</i>
	<i>Naval Aviation Depot, North Island</i>	<i>\$4,340,000</i>
	<i>Naval Facility, San Clemente Island</i>	<i>\$8,860,000</i>
	<i>Naval Ship Weapons Systems Engineering Station, Port Hueneme.</i>	<i>\$10,200,000</i>
	<i>Naval Station, San Diego</i>	<i>\$53,200,000</i>
<i>Connecticut</i>	<i>Naval Submarine Base, New London</i>	<i>\$3,100,000</i>
<i>CONUS Various</i>	<i>CONUS Various</i>	<i>\$11,500,000</i>
<i>District of Columbia</i>	<i>Marine Corps Barracks</i>	<i>\$17,197,000</i>
	<i>Naval District, Washington</i>	<i>\$2,450,000</i>
	<i>Naval Research Laboratory, Washington</i> ..	<i>\$12,390,000</i>
<i>Florida</i>	<i>Coastal System Station, Panama City</i>	<i>\$9,960,000</i>
	<i>Naval Air Station, Whiting Field, Milton</i>	<i>\$5,130,000</i>
	<i>Naval Surface Warfare Center Detachment, Ft. Lauderdale.</i>	<i>\$3,570,000</i>
<i>Georgia</i>	<i>Marine Corps Logistics Base, Albany</i>	<i>\$1,100,000</i>
	<i>Trident Refit Facility, Kings Bay</i>	<i>\$5,200,000</i>
<i>Hawaii</i>	<i>Fleet Industrial Supply Center, Pearl Harbor.</i>	<i>\$12,000,000</i>
	<i>Naval Undersea Weapons Station Detachment, Lualualei.</i>	<i>\$2,100,000</i>
	<i>Marine Corps Air Station, Kaneohe</i>	<i>\$18,400,000</i>
	<i>Naval Station, Pearl Harbor</i>	<i>\$37,600,000</i>
<i>Illinois</i>	<i>Naval Training Center, Great Lakes</i>	<i>\$121,400,000</i>
<i>Maine</i>	<i>Naval Air Station, Brunswick</i>	<i>\$2,450,000</i>
	<i>Naval Ship Yard, Portsmouth</i>	<i>\$4,960,000</i>
<i>Maryland</i>	<i>Naval Explosive Ordinance Disposal Tech Division, Indian Head.</i>	<i>\$6,430,000</i>
<i>Mississippi</i>	<i>Naval Air Station, Meridian</i>	<i>\$6,230,000</i>
	<i>Naval Oceanographic Office, Stennis Space Center.</i>	<i>\$6,950,000</i>
<i>Nevada</i>	<i>Naval Air Station, Fallon</i>	<i>\$6,280,000</i>
<i>New Jersey</i>	<i>Naval Weapons Station, Earle</i>	<i>\$2,420,000</i>
<i>North Carolina</i>	<i>Marine Corps Air Station, Cherry Point</i> ..	<i>\$8,480,000</i>
	<i>Marine Corps Air Station, New River</i>	<i>\$3,400,000</i>
	<i>Marine Corps Base, Camp LeJeune</i>	<i>\$45,870,000</i>
	<i>Naval Aviation Depot, Cherry Point</i>	<i>\$7,540,000</i>
<i>Rhode Island</i>	<i>Naval Undersea Warfare Center Division, Newport.</i>	<i>\$4,150,000</i>
<i>South Carolina</i>	<i>Marine Corps Air Station, Beaufort</i>	<i>\$3,140,000</i>
	<i>Marine Corps Recruit Depot, Parris Island</i>	<i>\$2,660,000</i>
<i>Texas</i>	<i>Naval Air Station, Kingsville</i>	<i>\$2,670,000</i>
<i>Virginia</i>	<i>AEGIS Combat Systems Center, Wallops Island.</i>	<i>\$3,300,000</i>
	<i>Marine Corps Combat Development Command, Quantico.</i>	<i>\$8,590,000</i>
	<i>Naval Air Station, Oceana</i>	<i>\$5,250,000</i>
	<i>Naval Air Station, Norfolk</i>	<i>\$31,450,000</i>
	<i>Naval Amphibious Base, Little Creek</i>	<i>\$2,830,000</i>
	<i>Naval Shipyard, Norfolk, Portsmouth</i>	<i>\$16,100,000</i>
	<i>Naval Station, Norfolk</i>	<i>\$4,700,000</i>
	<i>Naval Surface Warfare Center, Dahlgren</i> ..	<i>\$30,700,000</i>
<i>Washington</i>	<i>Naval Station, Everett</i>	<i>\$5,500,000</i>
	<i>Naval Submarine Base, Bangor</i>	<i>\$4,600,000</i>
	<i>Puget Sound Naval Shipyard, Bremerton</i>	<i>\$78,460,000</i>

Navy: Inside the United States—Continued

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
	<i>Strategic Weapons Facility Pacific, Bremerton.</i>	\$1,400,000
	<i>Total:</i>	\$694,557,000

1 *(b) OUTSIDE THE UNITED STATES.—Using amounts*
2 *appropriated pursuant to the authorization of appropria-*
3 *tions in section 2204(a)(2), the Secretary of the Navy may*
4 *acquire real property and carry out military construction*
5 *projects for the locations outside the United States, and in*
6 *the amounts, set forth in the following table:*

Navy: Outside the United States

<i>Country</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Bahrain</i>	<i>Administrative Support Unit</i>	<i>\$19,400,000</i>
<i>Italy</i>	<i>Naval Air Station, Sigonella</i>	<i>\$32,969,000</i>
	<i>Naval Support Activity, Naples</i>	<i>\$15,000,000</i>
<i>Various Locations</i>	<i>Host Nation Infrastructure Support</i>	<i>\$142,000</i>
	<i>Total:</i>	<i>\$67,511,000</i>

SEC. 2202. FAMILY HOUSING.

8 *(a) CONSTRUCTION AND ACQUISITION.—Using*
9 *amounts appropriated pursuant to the authorization of ap-*
10 *propriations in section 2204(a)(5)(A), the Secretary of the*
11 *Navy may construct or acquire family housing units (in-*
12 *cluding land acquisition) at the installations, for the pur-*
13 *poses, and in the amounts set forth in the following table:*

Navy: Family Housing

<i>State</i>	<i>Installation or location</i>	<i>Purpose</i>	<i>Amount</i>
<i>California</i>	<i>Marine Corps Air-Ground Combat Center, Twentynine Palms.</i>	<i>79 Units</i>	<i>\$13,923,000</i>
	<i>Naval Air Station, Lemoore.</i>	<i>160 Units</i>	<i>\$27,768,000</i>
<i>Hawaii</i>	<i>Commander Naval Base, Pearl Harbor.</i>	<i>112 Units</i>	<i>\$23,654,000</i>

Navy: Family Housing—Continued

State	Installation or location	Purpose	Amount
	Commander Naval Base, Pearl Harbor.	62 Units	\$14,237,000
	Commander Naval Base, Pearl Harbor.	98 Units	\$22,230,000
	Marine Corps Air Sta- tion, Kaneohe Bay.	84 Units	\$21,910,000
Maine	Naval Air Station, Brunswick.	168 Units	\$18,722,000
Mississippi	Naval Station, Pascagoula.	140 Units	\$21,605,000
North Carolina	Camp LeJeune	149 Units	\$7,838,000
Washington	Naval Air Station, Whidbey Island.	98 Units	\$16,873,000
		Total:	\$188,760,000

1 (b) *PLANNING AND DESIGN.*—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2204(a)(5)(A), the Secretary of the Navy may carry
4 out architectural and engineering services and construction
5 design activities with respect to the construction or im-
6 provement of military family housing units in an amount
7 not to exceed \$19,958,000.

8 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States Code,
11 and using amounts appropriated pursuant to the author-
12 ization of appropriations in section 2204(a)(5)(A), the Sec-
13 retary of the Navy may improve existing military family
14 housing units in an amount not to exceed \$183,547,000.

15 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

16 (a) *IN GENERAL.*—Subject to subsection (c), funds are
17 hereby authorized to be appropriated for fiscal years begin-

1 *ning after September 30, 2000, for military construction,*
2 *land acquisition, and military family housing functions of*
3 *the Department of the Navy in the total amount of*
4 *\$2,095,163,000 as follows:*

5 *(1) For military construction projects inside the*
6 *United States authorized by section 2201(a),*
7 *\$633,537,000.*

8 *(2) For military construction projects outside the*
9 *United States authorized by section 2201(b),*
10 *\$66,571,000.*

11 *(3) For unspecified minor construction projects*
12 *authorized by section 2805 of title 10, United States*
13 *Code, \$7,659,000.*

14 *(4) For architectural and engineering services*
15 *and construction design under section 2807 of title*
16 *10, United States Code, \$64,093,000.*

17 *(5) For military family housing functions:*

18 *(A) For construction and acquisition, plan-*
19 *ning and design, and improvement of military*
20 *family housing and facilities, \$392,265,000.*

21 *(B) For support of military housing (in-*
22 *cluding functions described in section 2833 of*
23 *title 10, United States Code), \$882,638,000.*

24 *(6) For construction of a berthing wharf at*
25 *Naval Air Station, North Island, California, author-*

1 *ized by section 2201(a) of the Military Construction*
2 *Authorization Act for Fiscal Year 2000 (division B of*
3 *Public Law 106–65; 113 Stat. 828), \$12,800,000.*

4 *(7) For construction of the Commander-in-Chief*
5 *Headquarters, Pacific Command, Camp H.M. Smith,*
6 *Hawaii, authorized by section 2201(a) of the Military*
7 *Construction Authorization Act for Fiscal Year 2000,*
8 *\$35,600,000.*

9 *(b) LIMITATION ON TOTAL COST OF CONSTRUCTION*
10 *PROJECTS.—Notwithstanding the cost variations author-*
11 *ized by section 2853 of title 10, United States Code, and*
12 *any other cost variation authorized by law, the total cost*
13 *of all projects carried out under section 2201 of this Act*
14 *may not exceed—*

15 *(1) the total amount authorized to be appro-*
16 *priated under paragraphs (1) and (2) of subsection*
17 *(a);*

18 *(2) \$17,500,000 (the balance of the amount au-*
19 *thorized under section 2201(a) for repair of a pier at*
20 *Naval Station, San Diego, California);*

21 *(3) \$12,390,000 (the balance of the amount au-*
22 *thorized under section 2201(a) for construction of a*
23 *Nano Science Research Laboratory, Washington, Dis-*
24 *trict of Columbia);*

1 (4) \$4,000,000 (the balance of the amount au-
2 thorized under section 2201(a) for construction of ar-
3 mories at Marine Corps Base, Camp LeJeune, North
4 Carolina);

5 (5) \$2,670,000 (the balance of the amount au-
6 thorized under section 2201(a) for construction of an
7 aircraft parking apron at Naval Air Station,
8 Kingsville, Texas);

9 (6) \$24,460,000 (the balance of the amount au-
10 thorized under section 2201(a) for replacement of a
11 pier at Naval Ship Yard, Bremerton, Puget Sound,
12 Washington); and

13 (7) \$940,000 (the balance of the amount author-
14 ized under section 2201(b) for construction of commu-
15 nity facilities at Naval Air Station, Sigonella, Italy).

16 (c) *ADJUSTMENT.*—The total amount authorized to be
17 appropriated pursuant to paragraphs (1) through (7) of
18 subsection (a) is the sum of the amounts authorized to be
19 appropriated by such paragraphs, reduced by \$9,351,000
20 which represents \$3,960,000 for savings in the foreign cur-
21 rency account and \$5,391,000 from prior year unobligated
22 funds.

1 **SEC. 2205. CORRECTION IN AUTHORIZED USE OF FUNDS,**
2 **MARINE CORPS COMBAT DEVELOPMENT COM-**
3 **MAND, QUANTICO, VIRGINIA.**

4 *The Secretary of the Navy may carry out a military*
5 *construction project involving infrastructure development*
6 *at the Marine Corps Combat Development Command,*
7 *Quantico, Virginia, in the amount of \$8,900,000, using*
8 *amounts appropriated pursuant to the authorization of ap-*
9 *propriations in section 2204(a)(1) of the Military Construc-*
10 *tion Authorization Act for Fiscal Year 1997 (division B*
11 *of Public Law 104–201; 110 Stat. 2769) for a military con-*
12 *struction project involving a sanitary landfill at that in-*
13 *stallation, as authorized by section 2201(a) of that Act (110*
14 *Stat. 2767) and extended by section 2702 of the Military*
15 *Construction Authorization Act for Fiscal Year 2000 (divi-*
16 *sion B of Public Law 106–65; 113 Stat. 842) and section*
17 *2703 of this Act.*

18 **TITLE XXIII—AIR FORCE**

19 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
20 **LAND ACQUISITION PROJECTS.**

21 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*
22 *propriated pursuant to the authorization of appropriations*
23 *in section 2304(a)(1), the Secretary of the Air Force may*
24 *acquire real property and carry out military construction*
25 *projects for the installations and locations inside the United*
26 *States, and in the amounts, set forth in the following table:*

Air Force: Inside the United States

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Alabama</i>	<i>Maxwell Air Force Base</i>	\$3,825,000
<i>Alaska</i>	<i>Cape Romanzof</i>	\$3,900,000
	<i>Eielson Air Force Base</i>	\$40,990,000
	<i>Elmendorf Air Force Base</i>	\$35,186,000
<i>Arizona</i>	<i>Davis-Monthan Air Force Base</i>	\$7,900,000
<i>Arkansas</i>	<i>Little Rock Air Force Base</i>	\$18,319,000
<i>California</i>	<i>Beale Air Force Base</i>	\$10,099,000
	<i>Los Angeles Air Force Base</i>	\$6,580,000
	<i>Vandenberg Air Force Base</i>	\$4,650,000
<i>Colorado</i>	<i>Buckley Air National Guard Base</i>	\$2,750,000
	<i>Peterson Air Force Base</i>	\$20,086,000
	<i>Schriever Air Force Base</i>	\$8,450,000
	<i>United States Air Force Academy</i>	\$18,960,000
<i>CONUS Classified</i>	<i>Classified Location</i>	\$1,810,000
<i>District of Columbia</i>	<i>Bolling Air Force Base</i>	\$4,520,000
<i>Florida</i>	<i>Eglin Air Force Base</i>	\$8,940,000
	<i>Eglin Auxiliary Field 9</i>	\$7,960,000
	<i>Patrick Air Force Base</i>	\$12,970,000
	<i>Tyndall Air Force Base</i>	\$25,300,000
<i>Georgia</i>	<i>Fort Stewart/Hunter Army Air Field</i>	\$4,920,000
	<i>Moody Air Force Base</i>	\$11,318,000
	<i>Robins Air Force Base</i>	\$4,095,000
<i>Hawaii</i>	<i>Hickam Air Force Base</i>	\$4,620,000
<i>Idaho</i>	<i>Mountain Home Air Force Base</i>	\$10,125,000
<i>Illinois</i>	<i>Scott Air Force Base</i>	\$3,830,000
<i>Kansas</i>	<i>McConnell Air Force Base</i>	\$2,100,000
<i>Louisiana</i>	<i>Barksdale Air Force Base</i>	\$20,464,000
<i>Massachusetts</i>	<i>Hanscom Air Force Base</i>	\$17,851,000
<i>Mississippi</i>	<i>Columbus Air Force Base</i>	\$4,828,000
	<i>Keesler Air Force Base</i>	\$15,040,000
<i>Missouri</i>	<i>Whiteman Air Force Base</i>	\$12,050,000
<i>Montana</i>	<i>Malmstrom Air Force Base</i>	\$11,179,000
<i>Nebraska</i>	<i>Offutt Air Force Base</i>	\$9,765,000
<i>New Jersey</i>	<i>McGuire Air Force Base</i>	\$9,772,000
<i>New Mexico</i>	<i>Cannon Air Force Base</i>	\$4,934,000
	<i>Holloman Air Force Base</i>	\$18,380,000
	<i>Kirtland Air Force Base</i>	\$7,352,000
<i>North Carolina</i>	<i>Pope Air Force Base</i>	\$24,570,000
<i>Ohio</i>	<i>Wright-Patterson Air Force Base</i>	\$22,600,000
<i>Oklahoma</i>	<i>Altus Air Force Base</i>	\$2,939,000
	<i>Tinker Air Force Base</i>	\$18,180,000
	<i>Vance Air Force Base</i>	\$10,504,000
<i>South Carolina</i>	<i>Charleston Air Force Base</i>	\$22,238,000
	<i>Shaw Air Force Base</i>	\$2,850,000
<i>South Dakota</i>	<i>Ellsworth Air Force Base</i>	\$10,290,000
<i>Texas</i>	<i>Dyess Air Force Base</i>	\$24,988,000
	<i>Lackland Air Force Base</i>	\$10,330,000
<i>Utah</i>	<i>Hill Air Force Base</i>	\$28,050,000
<i>Virginia</i>	<i>Langley Air Force Base</i>	\$7,470,000
<i>Washington</i>	<i>Fairchild Air Force Base</i>	\$2,046,000
	<i>McChord Air Force Base</i>	\$10,250,000
<i>Wyoming</i>	<i>F.E. Warren Air Force Base</i>	\$36,114,000
	<i>Total:</i>	\$649,237,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2304(a)(2), the Secretary of the Air Force

1 may acquire real property and carry out military construc-
 2 tion projects for the installations and locations outside the
 3 United States, and in the amounts, set forth in the following
 4 table:

Air Force: Outside the United States

Country	Installation or location	Amount
<i>Diego Garcia</i>	<i>Diego Garcia</i>	\$5,475,000
<i>Italy</i>	<i>Aviano Air Base</i>	\$8,000,000
<i>Korea</i>	<i>Kunsan Air Base</i>	\$6,400,000
	<i>Osan Air Base</i>	\$21,948,000
<i>Spain</i>	<i>Naval Station Rota</i>	\$5,052,000
<i>Turkey</i>	<i>Incirlik Air Base</i>	\$1,000,000
	<i>Total:</i>	\$47,875,000

5 **SEC. 2302. FAMILY HOUSING.**

6 (a) CONSTRUCTION AND ACQUISITION.—Using
 7 amounts appropriated pursuant to the authorization of ap-
 8 propriations in section 2304(a)(5)(A), the Secretary of the
 9 Air Force may construct or acquire family housing units
 10 (including land acquisition) at the installations, for the
 11 purposes, and in the amounts set forth in the following
 12 table:

Air Force: Family Housing

State	Installation or loca- tion	Purpose	Amount
<i>District of Columbia</i>	<i>Bolling Air Force Base</i>	<i>136 Units</i>	\$17,137,000
<i>Idaho</i>	<i>Mountain Home Air Force Base.</i>	<i>119 Units</i>	\$22,694,000
<i>North Dakota</i>	<i>Cavalier Air Force Sta- tion.</i>	<i>2 Units</i>	\$443,000
	<i>Minot Air Force Base</i>	<i>134 Units</i>	\$19,097,000
		<i>Total:</i>	\$59,371,000

13 (b) PLANNING AND DESIGN.—Using amounts appro-
 14 priated pursuant to the authorization of appropriations in
 15 section 2304(a)(5)(A), the Secretary of the Air Force may

1 *carry out architectural and engineering services and con-*
2 *struction design activities with respect to the construction*
3 *or improvement of military family housing units in an*
4 *amount not to exceed \$13,730,000.*

5 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
6 **UNITS.**

7 *Subject to section 2825 of title 10, United States Code,*
8 *and using amounts appropriated pursuant to the author-*
9 *ization of appropriations in section 2304(a)(5)(A), the Sec-*
10 *retary of the Air Force may improve existing military fam-*
11 *ily housing units in an amount not to exceed \$174,046,000.*

12 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
13 **FORCE.**

14 *(a) IN GENERAL.—Subject to subsection (c), funds are*
15 *hereby authorized to be appropriated for fiscal years begin-*
16 *ning after September 30, 2000, for military construction,*
17 *land acquisition, and military family housing functions of*
18 *the Department of the Air Force in the total amount of*
19 *\$1,851,909,000 as follows:*

20 *(1) For military construction projects inside the*
21 *United States authorized by section 2301(a),*
22 *\$649,237,000.*

23 *(2) For military construction projects outside the*
24 *United States authorized by section 2301(b),*
25 *\$47,875,000.*

1 (3) *For unspecified minor construction projects*
 2 *authorized by section 2805 of title 10, United States*
 3 *Code, \$9,850,000.*

4 (4) *For architectural and engineering services*
 5 *and construction design under section 2807 of title*
 6 *10, United States Code, \$71,529,000.*

7 (5) *For military housing functions:*

8 (A) *For construction and acquisition, plan-*
 9 *ning and design, and improvement of military*
 10 *family housing and facilities, \$247,147,000.*

11 (B) *For support of military family housing*
 12 *(including functions described in section 2833 of*
 13 *title 10, United States Code), \$826,271,000.*

14 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
 15 *PROJECTS.—Notwithstanding the cost variations author-*
 16 *ized by section 2853 of title 10, United States Code, and*
 17 *any other cost variation authorized by law, the total cost*
 18 *of all projects carried out under section 2301 of this Act*
 19 *may not exceed the total amount authorized to be appro-*
 20 *priated under paragraphs (1) and (2) of subsection (a).*

21 (c) *ADJUSTMENT.—The total amount authorized to be*
 22 *appropriated pursuant to paragraphs (1) through (5) of*
 23 *subsection (a) is the sum of the amounts authorized to be*
 24 *appropriated by such paragraphs, reduced by \$33,846,000,*
 25 *which represents \$12,231,000 for savings in the foreign cur-*

1 rency account and \$21,615,000 from prior year unobligated
2 funds.

3 **TITLE XXIV—DEFENSE** 4 **AGENCIES**

5 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-** 6 **TION AND LAND ACQUISITION PROJECTS.**

7 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
8 propriated pursuant to the authorization of appropriations
9 in section 2403(a)(1), the Secretary of Defense may acquire
10 real property and carry out military construction projects
11 for the installations and locations inside the United States,
12 and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
<i>Defense Education Activity</i>	<i>Camp LeJeune, North Carolina</i>	\$5,914,000
	<i>Laurel Bay, South Carolina</i>	\$804,000
<i>Defense Logistics Agency</i>	<i>Defense Distribution Depot Susque-</i> <i>hanna, New Cumberland, Pennsyl-</i> <i>vania</i>	\$17,700,000
	<i>Defense Fuel Support Point, Cherry</i> <i>Point, North Carolina</i>	\$5,700,000
	<i>Defense Fuel Support Point, MacDill</i> <i>Air Force Base, Florida</i>	\$16,956,000
	<i>Defense Fuel Support Point, McCon-</i> <i>nell Air Force Base, Kansas</i>	\$11,000,000
	<i>Defense Fuel Support Point, Naval</i> <i>Air Station, Fallon, Nevada</i>	\$5,000,000
	<i>Defense Fuel Support Point, North Is-</i> <i>land, California</i>	\$5,900,000
	<i>Defense Fuel Support Point, Oceana</i> <i>Naval Air Station, Virginia</i>	\$2,000,000
	<i>Defense Fuel Support Point, Patuxent</i> <i>River, Maryland</i>	\$8,300,000
	<i>Defense Fuel Support Point,</i> <i>Twentynine Palms, California</i>	\$2,200,000
	<i>Defense Supply Center, Richmond,</i> <i>Virginia</i>	\$4,500,000
<i>National Security Agency</i>	<i>Fort Meade, Maryland</i>	\$4,228,000
<i>Special Operations Command</i>	<i>Classified Location</i>	\$2,303,000
	<i>Eglin Auxiliary Field 9, Florida</i>	\$23,204,000
	<i>Fleet Combat Training Center, Dam</i> <i>Neck, Virginia</i>	\$5,500,000
	<i>Fort Bragg, North Carolina</i>	\$8,600,000
	<i>Fort Campbell, Kentucky</i>	\$16,300,000
	<i>Naval Air Station, North Island,</i> <i>California</i>	\$1,350,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
<i>Tri-Care Management Activity</i>	<i>Naval Air Station, Oceana, Virginia</i>	<i>\$3,400,000</i>
	<i>Naval Amphibious Base, Coronado, California</i>	<i>\$4,300,000</i>
	<i>Naval Amphibious Base, Little Creek, Virginia</i>	<i>\$5,400,000</i>
	<i>Edwards Air Force Base, California ..</i>	<i>\$17,900,000</i>
	<i>Marine Corps Base, Camp Pendleton, California</i>	<i>\$14,150,000</i>
	<i>Eglin Air Force Base, Florida</i>	<i>\$37,600,000</i>
	<i>Fort Drum, New York</i>	<i>\$1,400,000</i>
	<i>Patrick Air Force Base, Florida</i>	<i>\$2,700,000</i>
	<i>Tyndall Air Force Base, Florida</i>	<i>\$7,700,000</i>
	<i>Total:</i>	<i>\$242,009,000</i>

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2403(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the following
7 table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
<i>Defense Education Activity</i>	<i>Hanau, Germany</i>	<i>\$1,026,000</i>
	<i>Hohenfels, Germany</i>	<i>\$13,774,000</i>
	<i>Royal Air Force, Feltwell, United Kingdom</i>	<i>\$1,287,000</i>
	<i>Royal Air Force, Lakenheath, United Kingdom</i>	<i>\$3,086,000</i>
	<i>Schweinfurt, Germany</i>	<i>\$1,444,000</i>
	<i>Sigonella, Italy</i>	<i>\$971,000</i>
	<i>Wuerzburg, Germany</i>	<i>\$1,798,000</i>
	<i>Kleber Kaserne, Germany</i>	<i>\$7,500,000</i>
<i>Defense Finance and Accounting Service.</i>		
<i>Defense Logistics Agency</i>	<i>Defense Fuel Support Point, Andersen Air Force Base, Guam</i>	<i>\$36,000,000</i>
	<i>Defense Fuel Support Point, Marine Corps Air Station, Iwakuni, Japan</i>	<i>\$22,400,000</i>
	<i>Defense Fuel Support Point, Misawa Air Base, Japan</i>	<i>\$26,400,000</i>
	<i>Defense Fuel Support Point, Royal Air Force, Mildenhall, United Kingdom</i>	<i>\$10,000,000</i>
	<i>Defense Fuel Support Point, Sigonella, Italy</i>	<i>\$16,300,000</i>
	<i>Darmstadt, Germany</i>	<i>\$2,450,000</i>
<i>Defense Threat Reduction Agency.</i>		
<i>Special Operations Command</i>	<i>Roosevelt Roads, Puerto Rico</i>	<i>\$1,241,000</i>

Defense Agencies: Outside the United States—Continued

Agency	Installation or location	Amount
<i>Tri-Care Management Agency</i>	<i>Taegu, Korea</i>	<i>\$1,450,000</i>
	<i>Kitzingen, Germany</i>	<i>\$1,400,000</i>
	<i>Naval Support Activity, Naples, Italy</i>	<i>\$43,850,000</i>
	<i>Wiesbaden Air Base, Germany</i>	<i>\$7,187,000</i>
	<i>Total:</i>	<i>\$199,564,000</i>

1 (c) *UNSPECIFIED WORLDWIDE.*—Using amounts ap-
2 propriated pursuant to the authorization of appropriations
3 in section 2403(a)(3), the Secretary of Defense may acquire
4 real property and carry out military construction projects
5 for the installations and locations, and in the amounts, set
6 forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation	Amount
<i>Unspecified Worldwide</i>	<i>Unspecified Worldwide</i>	<i>\$451,135,000</i>

7 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

8 Using amounts appropriated pursuant to the author-
9 ization of appropriations in section 2403(a)(7), the Sec-
10 retary of Defense may carry out energy conservation
11 projects under section 2865 of title 10, United States Code,
12 in the amount of \$16,785,000.

13 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**
14 **AGENCIES.**

15 (a) *IN GENERAL.*—Subject to subsection (c), funds are
16 hereby authorized to be appropriated for fiscal years begin-
17 ning after September 30, 2000, for military construction,
18 land acquisition, and military family housing functions of

1 *the Department of Defense (other than the military depart-*
2 *ments), in the total amount of \$1,912,703,000 as follows:*

3 *(1) For military construction projects inside the*
4 *United States authorized by section 2401(a),*
5 *\$242,009,000.*

6 *(2) For military construction projects outside the*
7 *United States authorized by section 2401(b),*
8 *\$199,564,000.*

9 *(3) For the military construction projects at un-*
10 *specified worldwide locations authorized by section*
11 *2401(c), \$85,095,000.*

12 *(4) For unspecified minor construction projects*
13 *under section 2805 of title 10, United States Code,*
14 *\$17,390,000.*

15 *(5) For contingency construction projects of the*
16 *Secretary of Defense under section 2804 of title 10,*
17 *United States Code, \$10,000,000.*

18 *(6) For architectural and engineering services*
19 *and construction design under section 2807 of title*
20 *10, United States Code, \$78,605,000.*

21 *(7) For energy conservation projects authorized*
22 *by section 2404 of this Act, \$16,785,000.*

23 *(8) For base closure and realignment activities*
24 *as authorized by the Defense Base Closure and Re-*

1 *alignment Act of 1990 (part A of title XXIX of Public*
2 *Law 101–510; 10 U.S.C. 2687 note), \$1,174,369,000.*

3 *(9) For military family housing functions, for*
4 *support of military housing (including functions de-*
5 *scribed in section 2833 of title 10, United States*
6 *Code), \$44,886,000 of which not more than*
7 *\$38,478,000 may be obligated or expended for the*
8 *leasing of military family housing units worldwide.*

9 *(10) For construction of a replacement hospital*
10 *at Fort Wainwright, Alaska, authorized by section*
11 *2401(a) of the Military Construction Authorization*
12 *Act for Fiscal Year 2000 (division B of Public Law*
13 *106–65; 113 Stat. 836), \$44,000,000.*

14 *(b) LIMITATION OF TOTAL COST OF CONSTRUCTION*
15 *PROJECTS.—Notwithstanding the cost variation authorized*
16 *by section 2853 of title 10, United States Code, and any*
17 *other cost variations authorized by law, the total cost of*
18 *all projects carried out under section 2401 of this Act may*
19 *not exceed—*

20 *(1) the total amount authorized to be appro-*
21 *priated under paragraphs (1) and (2) of subsection*
22 *(a); and*

23 *(2) \$366,040,000 (the balance of the amount au-*
24 *thorized under section 2401(c) for construction of Na-*

3 (c) *ADJUSTMENT.*—The total amount authorized to be
4 appropriated pursuant to paragraphs (1) through (6) of
5 subsection (a) is the sum of the amounts authorized to be
6 appropriated by such paragraphs, reduced by \$7,155,000
7 which represents savings in the foreign currency account.

(a) *INCREASE.*—Section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), is amended in the item relating to Portsmouth Naval Hospital, Virginia, by striking “\$351,354,000” and inserting “\$359,854,000”.

(b) *CONFORMING AMENDMENT.*—Section 2405(b)(2) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991, as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1999, is amended by striking “\$342,854,000” and inserting “\$351,354,000”.

1 **TITLE XXV—NORTH ATLANTIC**
2 **TREATY ORGANIZATION SE-**
3 **CURITY INVESTMENT PRO-**
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
6 **ACQUISITION PROJECTS.**

7 *The Secretary of Defense may make contributions for*
8 *the North Atlantic Treaty Organization Security Invest-*
9 *ment program as provided in section 2806 of title 10,*
10 *United States Code, in an amount not to exceed the sum*
11 *of the amount authorized to be appropriated for this pur-*
12 *pose in section 2502 and the amount collected from the*
13 *North Atlantic Treaty Organization as a result of construc-*
14 *tion previously financed by the United States.*

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16 *Funds are hereby authorized to be appropriated for fis-*
17 *cal years beginning after September 30, 2000, for contribu-*
18 *tions by the Secretary of Defense under section 2806 of title*
19 *10, United States Code, for the share of the United States*
20 *of the cost of projects for the North Atlantic Treaty Organi-*
21 *zation Security Investment program authorized by section*
22 *2501, in the amount of \$190,000,000.*

1 **TITLE XXVI—GUARD AND**
2 **RESERVE FORCES FACILITIES**

3 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
4 **TION AND LAND ACQUISITION PROJECTS.**

5 *There are authorized to be appropriated for fiscal*
6 *years beginning after September 30, 2000, for the costs of*
7 *acquisition, architectural and engineering services, and*
8 *construction of facilities for the Guard and Reserve Forces,*
9 *and for contributions therefore, under chapter 1803 of title*
10 *10, United States Code (including the cost of acquisition*
11 *of land for those facilities), the following amounts:*

12 *(1) For the Department of the Army—*

13 *(A) for the Army National Guard of the*
14 *United States, \$181,629,000; and*

15 *(B) for the Army Reserve, \$92,497,000.*

16 *(2) For the Department of the Navy, for the*
17 *Naval and Marine Corps Reserve, \$38,091,000.*

18 *(3) For the Department of the Air Force—*

19 *(A) for the Air National Guard of the*
20 *United States, \$161,806,000; and*

21 *(B) for the Air Force Reserve, \$32,673,000.*

1 **SEC. 2602. AUTHORIZATION FOR CONTRIBUTION TO CON-**
2 **STRUCTION OF AIRPORT TOWER, CHEYENNE**
3 **AIRPORT, CHEYENNE, WYOMING.**

4 (a) *INCREASE IN AMOUNT AUTHORIZED FOR AIR NA-*
5 *TIONAL GUARD.*—*The amount authorized to be appro-*
6 *priated by section 2601(3)(A) is hereby increased by*
7 *\$1,450,000.*

8 (b) *OFFSET.*—*The amounts authorized to be appro-*
9 *priated by section 2403(a), and by paragraph (2) of that*
10 *section, are each hereby reduced by \$1,450,000. The amount*
11 *of the reduction shall be allocated to the project authorized*
12 *in section 2401(b) for the Tri-Care Management Agency for*
13 *the Naval Support Activity, Naples, Italy.*

14 (c) *AVAILABILITY OF FUNDS FOR CONTRIBUTION TO*
15 *TOWER.*—*Of the amounts authorized to be appropriated by*
16 *section 2601(3)(A), as increased by subsection (a),*
17 *\$1,450,000 shall be available to the Secretary of the Air*
18 *Force for a contribution to the costs of construction of a*
19 *new airport tower at Cheyenne Airport, Cheyenne, Wyo-*
20 *ming.*

21 (d) *AUTHORITY TO MAKE CONTRIBUTION.*—*The Sec-*
22 *retary may, using funds available under subsection (c),*
23 *make a contribution, in an amount considered appropriate*
24 *by the Secretary and consistent with applicable agreements,*
25 *to the costs of construction of a new airport tower at Chey-*
26 *enne Airport, Cheyenne, Wyoming.*

1 **TITLE XXVII—EXPIRATION AND**
2 **EXTENSION OF AUTHORIZA-**
3 **TIONS**

4 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
5 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
6 **LAW.**

7 (a) *EXPIRATION OF AUTHORIZATIONS AFTER THREE*
8 *YEARS.*—*Except as provided in subsection (b), all author-*
9 *izations contained in titles XXI through XXVI for military*
10 *construction projects, land acquisition, family housing*
11 *projects and facilities, and contributions to the North At-*
12 *lantic Treaty Organization Security Investment program*
13 *(and authorizations of appropriations therefore) shall ex-*
14 *pire on the later of—*

15 (1) *October 1, 2003; or*

16 (2) *the date of the enactment of an Act author-*
17 *izing funds for military construction for fiscal year*
18 *2004.*

19 (b) *EXCEPTION.*—*Subsection (a) shall not apply to au-*
20 *thorizations for military construction projects, land acqui-*
21 *sition, family housing projects and facilities, and contribu-*
22 *tions to the North Atlantic Treaty Organization Security*
23 *Investment program (and authorizations of appropriations*
24 *therefore) for which appropriated funds have been obligated*
25 *before the later of—*

1 (1) *October 1, 2003; or*

2 (2) *the date of the enactment of an Act author-*
 3 *izing funds for fiscal year 2004 for military construc-*
 4 *tion projects, land acquisition, family housing*
 5 *projects and facilities, or contributions to the North*
 6 *Atlantic Treaty Organization Security Investment*
 7 *program.*

8 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 9 **FISCAL YEAR 1998 PROJECTS.**

10 (a) *EXTENSION.*—*Notwithstanding section 2701 of the*
 11 *Military Construction Authorization Act for Fiscal Year*
 12 *1998 (division B of Public Law 105–85; 111 Stat. 1984),*
 13 *authorizations set forth in the tables in subsection (b), as*
 14 *provided in section 2102, 2202, or 2302 of that Act, shall*
 15 *remain in effect until October 1, 2001, or the date of the*
 16 *enactment of an Act authorizing funds for military con-*
 17 *struction for fiscal year 2002, whichever is later.*

18 (b) *TABLES.*—*The tables referred to in subsection (a)*
 19 *are as follows:*

Army: Extension of 1998 Project Authorizations

<i>State</i>	<i>Installation or loca- tion</i>	<i>Project</i>	<i>Amount</i>
<i>Maryland</i>	<i>Fort Meade</i>	<i>Family Housing Construction (56 units).</i>	<i>\$7,900,000</i>
<i>Texas</i>	<i>Fort Hood</i>	<i>Family Housing Construction (130 units).</i>	<i>\$18,800,000</i>

Navy: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
<i>California</i>	<i>Naval Complex, San Diego.</i>	<i>Replacement Family Housing Construction (94 units).</i>	<i>\$13,500,000</i>
<i>California</i>	<i>Marine Corps Air Station, Miramar.</i>	<i>Family Housing Construction (166 units).</i>	<i>\$28,881,000</i>
<i>California</i>	<i>Marine Corps Air-Ground Combat Center, Twentynine Palms.</i>	<i>Replacement Family Housing Construction (132 units).</i>	<i>\$23,891,000</i>
<i>Louisiana</i>	<i>Naval Complex, New Orleans.</i>	<i>Replacement Family Housing Construction (100 units).</i>	<i>\$11,930,000</i>
<i>Texas</i>	<i>Naval Complex, Kingsville and Corpus Christi.</i>	<i>Family Housing Construction (212 units).</i>	<i>\$22,250,000</i>
<i>Washington</i>	<i>Naval Air Station, Whidbey Island.</i>	<i>Replacement Family Housing Construction (102 units).</i>	<i>\$16,000,000</i>

Air Force: Extension of 1998 Project Authorizations

State	Installation or location	Project	Amount
<i>Georgia</i>	<i>Robins Air Force Base ..</i>	<i>Replace Family Housing (60 units).</i>	<i>\$6,800,000</i>
<i>Idaho</i>	<i>Mountain Home Air Force Base.</i>	<i>Replace Family Housing (60 units).</i>	<i>\$11,032,000</i>
<i>New Mexico</i>	<i>Kirtland Air Force Base</i>	<i>Replace Family Housing (180 units).</i>	<i>\$20,900,000</i>
<i>Texas</i>	<i>Dyess Air Force Base</i>	<i>Construct Family Housing (70 units).</i>	<i>\$10,503,000</i>

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**2 **FISCAL YEAR 1997 PROJECTS.**

3 (a) *EXTENSION*.—Notwithstanding section 2701 of the
4 *Military Construction Authorization Act for Fiscal Year*
5 *1997 (division B of Public Law 104–201; 110 Stat. 2782),*
6 *authorizations set forth in the tables in subsection (b), as*

1 provided in section 2201, 2202, or 2601 of that Act and
 2 extended by section 2702 of the Military Construction Au-
 3 thorization Act for Fiscal Year 2000 (division B of Public
 4 Law 106–65; 113 Stat. 842), shall remain in effect until
 5 October 1, 2001, or the date of the enactment of an Act
 6 authorizing funds for military construction for fiscal year
 7 2002, whichever is later.

8 (b) TABLES.—The tables referred to in subsection (a)
 9 are as follows:

Navy: Extension of 1997 Project Authorizations

<i>State</i>	<i>Installation or loca- tion</i>	<i>Project</i>	<i>Amount</i>
<i>Florida</i>	<i>Navy Station, Mayport</i>	<i>Family Housing Construction (100 units).</i>	<i>\$10,000,000</i>
<i>North Carolina</i>	<i>Marine Corps Base, Camp Lejuene.</i>	<i>Family Housing Construction (94 units).</i>	<i>\$10,110,000</i>
<i>South Carolina</i>	<i>Marine Corps Air Sta- tion, Beaufort.</i>	<i>Family Housing Construction (140 units).</i>	<i>\$14,000,000</i>
<i>Texas</i>	<i>Naval Complex, Corpus Christi.</i>	<i>Family Housing Replacement (104 units).</i>	<i>\$11,675,000</i>
	<i>Naval Air Station, Kingsville.</i>	<i>Family Housing Replacement (48 units).</i>	<i>\$7,550,000</i>
<i>Virginia</i>	<i>Marine Corps Combat Development Com- mand, Quantico.</i>	<i>Infrastructure ..</i>	<i>\$8,900,000</i>
<i>Washington</i>	<i>Naval Station, Everett ..</i>	<i>Family Housing Construction (100 units).</i>	<i>\$15,015,000</i>

Army National Guard: Extension of 1997 Project Authorization

<i>State</i>	<i>Installation or loca- tion</i>	<i>Project</i>	<i>Amount</i>
<i>Mississippi</i>	<i>Camp Shelby</i>	<i>Multipurpose Range Com- plex (Phase II).</i>	<i>\$5,000,000</i>

1 **SEC. 2704. EFFECTIVE DATE.**

2 *Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall*
3 *take effect on the later of—*

4 *(1) October 1, 2000; or*

5 *(2) the date of the enactment of this Act.*

6 **TITLE XXVIII—GENERAL**
7 **PROVISIONS**

8 **Subtitle A—Military Construction**
9 **Program and Military Family**
10 **Housing Changes**

11 **SEC. 2801. JOINT USE MILITARY CONSTRUCTION**
12 **PROJECTS.**

13 *(a) SENSE OF CONGRESS ON JOINT USE PROJECTS.—*
14 *It is the sense of Congress that in preparing the budget for*
15 *a fiscal year for submission to Congress under section 1105*
16 *of title 31, United States Code, the Secretary of Defense*
17 *should—*

18 *(1) seek to identify military construction projects*
19 *that are suitable as joint use military construction*
20 *projects;*

21 *(2) specify in the budget for the fiscal year the*
22 *military construction projects that are identified*
23 *under paragraph (1); and*

24 *(3) give priority in the budget for the fiscal year*
25 *to the military construction projects specified under*
26 *paragraph (2).*

1 (b) *ANNUAL EVALUATION AND REPORT ON JOINT USE*
2 *PROJECTS.*—(1) *Subchapter I of chapter 169 of title 10,*
3 *United States Code, is amended by adding at the end the*
4 *following new section:*

5 **“§2815. Joint use military construction projects: eval-**
6 **uation; annual report**

7 “(a) *ANNUAL EVALUATION.*—*The Secretary of Defense*
8 *shall include with the budget for each fiscal year under sec-*
9 *tion 1105 of title 31, a certification by each Secretary con-*
10 *cerned that in evaluating military construction projects for*
11 *inclusion in the budget for such fiscal year, such Secretary*
12 *evaluated the feasibility of carrying out such projects as*
13 *joint use military construction projects.*

14 “(b) *ANNUAL REPORT.*—(1) *Not later than September*
15 *30 each year, the Secretary of Defense shall submit to the*
16 *appropriate committees of Congress a report on joint use*
17 *military construction projects.*

18 “(2) *Each report under paragraph (1) shall include,*
19 *for the one-year period ending on the date of the report,*
20 *the following:*

21 “(A) *The military construction requirements*
22 *that were evaluated for their feasibility to be carried*
23 *out through joint use military construction projects,*
24 *with each such requirement set forth by armed force,*

1 *component (whether active or reserve component), and*
2 *location.*

3 *“(B) An estimate of the fiscal year in which each*
4 *requirement set forth under subparagraph (A) is like-*
5 *ly to be met, without regard to the applicability of*
6 *any future-years defense program, and an assessment*
7 *of the extent to which such requirement could be met*
8 *more rapidly through a joint use military construc-*
9 *tion project.*

10 *“(C) A list of the military construction projects*
11 *determined to be feasible as joint use military con-*
12 *struction projects, including—*

13 *“(i) the number of military personnel and*
14 *civilian personnel to be served by each such*
15 *project; and*

16 *“(ii) an estimate of the costs avoidable by*
17 *carrying out each such project as a joint use*
18 *military project rather than as an independent*
19 *military construction project.*

20 *“(c) JOINT USE MILITARY CONSTRUCTION PROJECT*
21 *DEFINED.—In this section, the term ‘joint use military con-*
22 *struction project’ means a military construction project for*
23 *a facility intended to be used by—*

24 *“(1) both the active and a reserve component of*
25 *a single armed force; or*

1 “(2) two or more components (whether active or
2 reserve components) of the armed forces.”.

3 (2) The table of sections at the beginning of that sub-
4 chapter is amended by adding at the end the following new
5 item:

“2815. Joint use military construction projects: evaluation; annual report.”.

6 **SEC. 2802. EXCLUSION OF CERTAIN COSTS FROM DETER-**
7 **MINATION OF APPLICABILITY OF LIMITATION**
8 **ON USE OF FUNDS FOR IMPROVEMENT OF**
9 **FAMILY HOUSING.**

10 Section 2825(b) of title 10, United States Code, is
11 amended—

12 (1) by redesignating paragraph (3) as para-
13 graph (4); and

14 (2) by inserting after paragraph (2) the fol-
15 lowing new paragraph (3):

16 “(3) In determining the applicability of the limitation
17 contained in paragraph (1), the Secretary concerned shall
18 exclude from the cost of the improvement of the unit or units
19 concerned the following:

20 “(A) The cost of the installation, maintenance,
21 and repair of communications, security, or
22 antiterrorism equipment required by an occupant of
23 the unit or units to perform duties assigned as a
24 member of the armed forces.

1 “(B) *The cost of repairing or replacing the exte-*
 2 *rior of the unit or units if such repair or replacement*
 3 *is necessary to meet applicable standards for histor-*
 4 *ical preservation.”.*

5 **SEC. 2803. REPLACEMENT OF LIMITATIONS ON SPACE BY**
 6 **PAY GRADE OF MILITARY FAMILY HOUSING**
 7 **WITH REQUIREMENT FOR LOCAL COM-**
 8 **PARABILITY OF MILITARY FAMILY HOUSING.**

9 *(a) IN GENERAL.—(1) Section 2826 of title 10, United*
 10 *States Code, is amended to read as follows:*

11 **“§ 2826. Military family housing: local comparability**
 12 **of rooms patterns and floor areas**

13 *“(a) LOCAL COMPARABILITY.—In the construction, ac-*
 14 *quisition, and improvement of military family housing, the*
 15 *Secretary concerned shall ensure that the room patterns and*
 16 *floor areas of military family housing in a particular local-*
 17 *ity (as designated by the Secretary concerned for purposes*
 18 *of this section) are similar to room patterns and floor areas*
 19 *of similar housing in the private sector in that locality.*

20 *“(b) REQUESTS FOR AUTHORITY FOR MILITARY FAM-*
 21 *ILY HOUSING.—(1) In submitting to Congress a request for*
 22 *authority to carry out the construction, acquisition, or im-*
 23 *provement of military family housing, the Secretary con-*
 24 *cerned shall include in the request information on the net*

1 *floor area of each unit of military family housing to be con-*
 2 *structed, acquired, or improved under the authority.*

3 “(2) *In this subsection, the term ‘net floor area’, in*
 4 *the case of a military family housing unit, means the total*
 5 *number of square feet of the floor space inside the exterior*
 6 *walls of the unit, excluding the floor area of an unfinished*
 7 *basement, an unfinished attic, a utility space, a garage, a*
 8 *carport, an open or insect-screened porch, a stairwell, and*
 9 *any space used for a solar-energy system.”.*

10 (2) *The table of sections at the beginning of subchapter*
 11 *II of chapter 169 of that title is amended by striking the*
 12 *item relating to section 2826 and inserting the following*
 13 *new item:*

“2826. Military family housing: local comparability of rooms patterns and floor areas.”.

14 (b) *EFFECTIVE DATE.*—(1) *Except as provided in*
 15 *paragraph (2), the amendments made by subsection (a)*
 16 *shall take effect on October 1, 2000.*

17 (2) *Subsection (a) of section 2826, of title 10, United*
 18 *States Code (as added by subsection (a) of this section),*
 19 *shall apply with respect to the construction, acquisition, or*
 20 *improvement of military family housing under authority*
 21 *for the construction, acquisition, or improvement of such*
 22 *housing that takes effect on or after October 1, 2000.*

1 **SEC. 2804. MODIFICATION OF LEASE AUTHORITY FOR HIGH-**
2 **COST MILITARY FAMILY HOUSING.**

3 (a) *REPEAL OF SINGLE LEASE MAXIMUM FOR UNITED*
4 *STATES SOUTHERN COMMAND.—Paragraph (4) of section*
5 *2828(b) of title 10, United States Code, is amended—*

6 (1) *by inserting “(A)” after “(4)”;*

7 (2) *by striking the second sentence; and*

8 (3) *by adding at the end the following new sub-*
9 *paragraph:*

10 “(B) *The amount of all leases under this paragraph*
11 *may not exceed \$280,000 per year, as adjusted from time*
12 *to time under paragraph (6).”.*

13 (b) *FIVE-YEAR LIMITATION ON TERM OF LEASES FOR*
14 *UNITED STATES SOUTHERN COMMAND.—That paragraph*
15 *is further amended by adding at the end the following new*
16 *subparagraph:*

17 “(C) *The term of any lease under this paragraph may*
18 *not exceed 5 years.”.*

19 (c) *ANNUAL ADJUSTMENT OF MAXIMUM LEASE*
20 *AMOUNTS.—That section is further amended by striking*
21 *paragraph (5) and inserting the following new paragraphs:*

22 “(5) *At the beginning of each fiscal year, the Secretary*
23 *concerned shall adjust the maximum lease amount provided*
24 *for leases under paragraphs (2) and (3) for the previous*
25 *fiscal year by the percentage (if any) by which the national*
26 *average monthly cost of housing (as calculated for purposes*

1 of determining rates of basic allowance for housing under
 2 section 403 of title 37) for the preceding fiscal year exceeds
 3 the national average monthly cost of housing (as so cal-
 4 culated) for the fiscal year before such preceding fiscal year.

5 “(6) At the beginning of each fiscal year, the Secretary
 6 of the Army shall adjust the maximum aggregate amount
 7 for leases under paragraph (4) for the previous fiscal year
 8 by the percentage (if any) by which the annual average cost
 9 of housing for the Miami Military Housing Area (as cal-
 10 culated for purposes of determining rates of basic allowance
 11 for housing under section 403 of title 37) for the preceding
 12 fiscal year exceeds the annual average cost of housing for
 13 the Miami Military Housing Area (as so calculated) for the
 14 fiscal year before such preceding fiscal year.”.

15 (d) CONFORMING AMENDMENTS.—That section is fur-
 16 ther amended—

17 (1) in paragraph (2), by inserting after “per
 18 year” the following: “, as adjusted from time to time under
 19 paragraph (5)”; and

20 (2) in paragraph (3), by striking “\$12,000 per
 21 unit per year but does not exceed \$14,000 per unit
 22 per year” and inserting “the maximum amount per
 23 unit per year in effect under paragraph (2) but does
 24 not exceed \$14,000 per unit per year, as adjusted
 25 from time to time under paragraph (5)”.

1 **SEC. 2805. APPLICABILITY OF COMPETITION POLICY TO AL-**
 2 **TERNATIVE AUTHORITY FOR ACQUISITION**
 3 **AND IMPROVEMENT OF MILITARY HOUSING.**

4 (a) *APPLICABILITY.*—(1) *Subchapter IV of chapter 169*
 5 *of title 10, United States Code, is amended by inserting*
 6 *after section 2872 the following:*

7 **“§ 2872a. Competition requirements**

8 “(a) *CONTRACTS.*—*The Secretary concerned shall com-*
 9 *ply with section 2304 of this title when entering into any*
 10 *contract in furtherance of the exercise of any authority or*
 11 *combination of authorities under this subchapter for a pur-*
 12 *pose specified in section 2872 of this title.*

13 “(b) *OTHER FORMS OF AGREEMENTS.*—(1) *The Sec-*
 14 *retary concerned shall use competitive procedures to enter*
 15 *into any agreement other than a contract in furtherance*
 16 *of the exercise of any authority or combination of authori-*
 17 *ties under this subchapter for a purpose specified in section*
 18 *2872 of this title.*

19 “(2) *The Secretary concerned may waive the applica-*
 20 *bility of paragraph (1) to an agreement only if the*
 21 *Secretary—*

22 “(A) *determines that the use of competitive pro-*
 23 *cedures for entering into the agreement would be in-*
 24 *consistent with the public interest; and*

1 “(B) submits to Congress a written notification
2 of the determination not less than 30 days before en-
3 tering into the agreement.”.

4 (2) The table of sections at the beginning of such sub-
5 chapter is amended by inserting after the item relating to
6 section 2872 the following:

 “2872a. Competition requirements.”.

7 (b) *EFFECTIVE DATE*.—Section 2872a of title 10,
8 United States Code (as added by subsection (a)), shall take
9 effect on October 1, 2000, and shall apply with respect to
10 contracts and agreements referred to in that section that
11 are entered into on or after that date.

12 **SEC. 2806. PROVISION OF UTILITIES AND SERVICES UNDER**
13 **ALTERNATIVE AUTHORITY FOR ACQUISITION**
14 **AND IMPROVEMENT OF MILITARY HOUSING.**

15 (a) *AUTHORITY TO FURNISH ON REIMBURSABLE*
16 *BASIS*.—Subchapter IV of chapter 169 of title 10, United
17 States Code, as amended by section 2805, is further amend-
18 ed by inserting after section 2872a the following new sec-
19 tion:

20 **“§ 2872b. Utilities and services**

21 “(a) *AUTHORITY TO FURNISH*.—The Secretary con-
22 cerned may furnish utilities and services referred to in sub-
23 section (b) in connection with any military housing ac-
24 quired or constructed pursuant to the exercise of any au-

1 *thority or combination of authorities under this subchapter*
 2 *if the military housing is located on a military installation.*

3 “(b) *COVERED UTILITIES AND SERVICES.*—*The utili-*
 4 *ties and services that may be furnished under subsection*
 5 *(a) are the following:*

6 “(1) *Electric power.*

7 “(2) *Steam.*

8 “(3) *Compressed air.*

9 “(4) *Water.*

10 “(5) *Sewage and garbage disposal.*

11 “(6) *Natural, manufactured, or mixed gas.*

12 “(7) *Ice.*

13 “(8) *Mechanical refrigeration.*

14 “(9) *Telecommunications service.*

15 “(c) *REIMBURSEMENT.*—(1) *The Secretary concerned*
 16 *shall be reimbursed for any utilities or services furnished*
 17 *under subsection (a).*

18 “(2) *The amount of any cash payment received under*
 19 *paragraph (1) shall be credited to the appropriation or*
 20 *working capital account from which the cost of furnishing*
 21 *the utilities or services concerned was paid. Amounts so*
 22 *credited to an appropriation or account shall be merged*
 23 *with funds in such appropriation or account, and shall be*
 24 *available to the same extent, and subject to the same terms*
 25 *and conditions, as such funds.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of such subchapter, as so amended, is further*
 3 *amended by inserting after the item relating to section*
 4 *2872a the following new item:*

“2872b. *Utilities and services.*”.

5 **SEC. 2807. EXTENSION OF ALTERNATIVE AUTHORITY FOR**
 6 **ACQUISITION AND IMPROVEMENT OF MILI-**
 7 **TARY HOUSING.**

8 Section 2885 of title 10, United States Code, is amend-
 9 ed by striking “February 10, 2001” and inserting “Feb-
 10 ruary 10, 2004”.

11 **SEC. 2808. INCLUSION OF READINESS CENTER IN DEFINI-**
 12 **TION OF ARMORY FOR PURPOSES OF CON-**
 13 **STRUCTION OF RESERVE COMPONENT FA-**
 14 **CILITIES.**

15 (a) *INCLUSION.*—Section 18232(3) of title 10, United
 16 States Code, is amended—

17 (1) *in the first sentence, by striking “The term*
 18 *‘armory’ means” and inserting “The terms ‘armory’*
 19 *and ‘readiness center’ mean”; and*

20 (2) *in the second sentence, by striking “It in-*
 21 *cludes” and inserting “Such terms include”.*

22 (b) *CONFORMING AMENDMENTS.*—(1) Section
 23 18232(2)(B) of such title is amended by inserting “, readi-
 24 ness center,” after “armory”.

1 (2) Section 18236(b) of such title is amended in the
 2 matter preceding paragraph (1) by inserting “or readiness
 3 center” after “an armory”.

4 ***Subtitle B—Real Property and***
 5 ***Facilities Administration***

6 ***SEC. 2811. INCREASE IN THRESHOLD FOR REPORTS TO***
 7 ***CONGRESS ON REAL PROPERTY TRANS-***
 8 ***ACTIONS.***

9 Section 2662 of title 10, United States Code, is amend-
 10 ed by striking “\$200,000” each place it appears and insert-
 11 ing “\$500,000”.

12 ***SEC. 2812. ENHANCEMENTS OF MILITARY LEASE AUTHOR-***
 13 ***ITY.***

14 (a) *PROPERTY AVAILABLE FOR LEASE.*—Subsection
 15 (a) of section 2667 of title 10, United States Code, is
 16 amended—

17 (1) by inserting “and” at the end of paragraph
 18 (1);

19 (2) by striking paragraph (2); and

20 (3) by redesignating paragraph (3) as para-
 21 graph (2).

22 (b) *IN KIND CONSIDERATION.*—That section is further
 23 amended—

24 (1) in subsection (b)(5)—

1 (A) by striking “improvement, mainte-
2 nance, protection, repair, or restoration,” and
3 inserting “alteration, repair, or improvement,”;
4 and

5 (B) by striking “, or of the entire unit or
6 installation where a substantial part of it is
7 leased,”;

8 (2) by transferring subsection (c) to the end of
9 the section and redesignating such subsection, as so
10 transferred, as subsection (i);

11 (3) by inserting after subsection (b) the following
12 new subsection (c):

13 “(c)(1) In addition to any in kind consideration ac-
14 cepted under subsection (b)(5), in kind consideration ac-
15 cepted with respect to a lease under subsection (b) may in-
16 clude the following:

17 “(A) Maintenance, protection, alteration, repair,
18 improvement, or restoration (including environmental
19 restoration) of property or facilities under the control
20 of the Secretary concerned.

21 “(B) Construction of new facilities for the Sec-
22 retary concerned.

23 “(C) Provision of facilities for use by the Sec-
24 retary concerned.

1 “(D) *Facilities operation support for the Sec-*
2 *retary concerned.*

3 “(E) *Provision of such other services relating to*
4 *activities that will occur on the leased property as the*
5 *Secretary concerned considers appropriate.*

6 “(2) *In kind consideration under paragraph (1) may*
7 *be accepted at any property or facilities under the control*
8 *of the Secretary concerned that are selected for that purpose*
9 *by the Secretary concerned.*

10 “(3) *Sections 2662 and 2802 of this title shall not*
11 *apply to any new facilities whose construction is accepted*
12 *as in kind consideration under this subsection.*

13 “(4) *In the case of a lease for which all or part of*
14 *the consideration proposed to be accepted by the Secretary*
15 *concerned under this subsection is the construction of facili-*
16 *ties with a value in excess of \$500,000, the Secretary con-*
17 *cerned may not enter into the lease until 30 days after the*
18 *date on which a report on the facts of the lease is submitted*
19 *to the congressional defense committees.”; and*

20 *(4) in subsection (f)—*

21 *(A) by striking paragraph (4); and*

22 *(B) by redesignating paragraph (5) as*
23 *paragraph (4).*

24 *(c) USE OF MONEY RENTALS.—Subsection (d) of that*
25 *section is amended—*

1 (1) in paragraph (1), by striking subparagraph
2 (B) and inserting the following new subparagraphs:

3 “(B) Subject to subparagraphs (C) and (D), the sums
4 deposited in the special account of a military department
5 pursuant to subparagraph (A) shall be available to the mili-
6 tary department for the following:

7 “(i) Maintenance, protection, alteration, repair,
8 improvement, or restoration (including environmental
9 restoration) of property or facilities.

10 “(ii) Construction or acquisition of new facili-
11 ties.

12 “(iii) Lease of facilities.

13 “(iv) Facilities operation support.

14 “(C) At least 50 percent of the sums deposited in the
15 special account of a military department under subpara-
16 graph (A) by reason of a lease shall be available for activi-
17 ties described in subparagraph (B) only at the military in-
18 stallation where the leased property is located.

19 “(D) The Secretary concerned may not construct or
20 acquire under subparagraph (B)(ii) facilities with a value
21 in excess of \$500,000 until 30 days after the date on which
22 a report on the facts of the construction or acquisition of
23 such facilities is submitted to the congressional defense com-
24 mittees.”; and

25 (2) in paragraph (3)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “As part” and all that follows
3 through “Secretary of Defense” and inserting
4 “Not later than March 15 each year, the Sec-
5 retary of Defense shall submit to the congres-
6 sional defense committees a report which”; and

7 (B) in subparagraph (A), by striking “re-
8 quest” and inserting “report”.

9 (d) INDEMNIFICATION FOR ENVIRONMENTAL CONTAMI-
10 NATION.—That section is further amended by striking sub-
11 section (h) and inserting the following new subsection (h):

12 “(h)(1) Subject to paragraph (2), the Secretary con-
13 cerned may enter into an agreement to hold harmless, de-
14 fend, and indemnify in full any person or entity to whom
15 the Secretary concerned leases real property under sub-
16 section (a) from and against any suit, claim, demand or
17 action, liability, judgment, cost, or other fee arising out
18 of—

19 “(A) any claim for personal injury, property
20 damage (including death, illness, or loss of or damage
21 to property or economic loss), that results from, or is
22 in any manner predicated upon, the release or threat-
23 ened release of any hazardous substance, pollutant or
24 contaminant, petroleum or petroleum derivative, or
25 unexploded ordnance as a result of Department of De-

1 *fense activities on the military installation at which*
2 *the leased property is located; and*

3 *“(B) any legally binding obligation to respond*
4 *pursuant to the Comprehensive Environmental Re-*
5 *sponse, Compensation, and Liability Act of 1980 (42*
6 *U.S.C. 9601 et seq.) or any other Federal law, or any*
7 *State law, that results from, or is in any manner*
8 *predicated upon, the release or threatened release of*
9 *any hazardous substance, pollutant or contaminant,*
10 *petroleum or petroleum derivative, or unexploded ord-*
11 *nance as a result of Department of Defense activities*
12 *on the military installation at which the leased prop-*
13 *erty is located.*

14 *“(2) Any agreement entered into pursuant to para-*
15 *graph (1) shall provide that—*

16 *“(A) if, at the time of a claim for indemnifica-*
17 *tion under the agreement, less than 50 percent of the*
18 *release or threatened release of hazardous substances,*
19 *pollutants or contaminants, petroleum or petroleum*
20 *derivatives, or unexploded ordnance giving rise to the*
21 *suit, claim, demand or action, liability, judgment,*
22 *cost, or other fee for which indemnification is de-*
23 *manded is a result of Department of Defense activi-*
24 *ties, the indemnification authorized by paragraph (1)*
25 *shall not apply; and*

1 “(B) if, at the time of a claim for indemnifica-
2 tion under the agreement, 50 percent or more of the
3 release or threatened release of hazardous substances,
4 pollutants or contaminants, petroleum or petroleum
5 derivatives, or unexploded ordnance giving rise to the
6 suit, claim, demand or action, liability, judgment,
7 cost, or other fee for which indemnification is de-
8 manded is a result of Department of Defense activi-
9 ties, the indemnification authorized by paragraph (1)
10 shall be reduced to the extent of the contribution to
11 any such release or threatened release of any person
12 or entity other than the Department of Defense.

13 “(3) No indemnification may be afforded under an
14 agreement under this subsection unless the person or entity
15 making a claim for indemnification—

16 “(A) notifies the Secretary concerned in writing
17 within two months of the filing of any suit, claim, de-
18 mand, or action that reasonably could be expected to
19 give rise to a liability, judgment, cost, or other fee to
20 which the agreement applies and at least one month
21 before settlement or other resolution of such suit,
22 claim, demand, or action;

23 “(B) furnishes to the Secretary concerned copies
24 of pertinent papers the person or entity receives;

1 “(C) furnishes evidence or proof of any suit,
2 claim, demand or action, liability, judgment, cost, or
3 other fee covered by this subsection;

4 “(D) provides, upon request of the Secretary con-
5 cerned, access to the records and personnel of the per-
6 son or entity for purposes of defending or settling any
7 such suit, claim, demand, or action; and

8 “(E) if the Secretary concerned chooses not to de-
9 fend or settle any such suit, claim, demand, or action,
10 the person or entity making a claim for indemnifica-
11 tion notifies the Secretary concerned in writing with-
12 in one month of any judgment, settlement, or other
13 resolution of the suit, claim, demand, or action.

14 “(4)(A) In any case in which the Secretary concerned
15 determines that the military department may be required
16 to make indemnification payments to a person or entity
17 under this subsection, the Secretary concerned may settle
18 or defend, on behalf of the person or entity, the suit, claim,
19 demand, or action that could give rise to such requirement.

20 “(B) In any case described in subparagraph (A), if
21 the person or entity to whom the military department may
22 be required to make indemnification payments does not
23 allow the Secretary concerned to settle or defend the claim,
24 the person or entity may not be afforded indemnification
25 with respect to the claim under this subsection.

1 “(5) *Nothing in this subsection shall be construed as*
2 *affecting or modifying in any way the applicability of the*
3 *provisions of section 120(h) of the Comprehensive Environ-*
4 *mental Response, Compensation, and Liability Act of 1980*
5 *(42 U.S.C. 9620(h)).”.*

6 *(e) DEFINITIONS.—That section is further amended by*
7 *adding at the end the following new subsection:*

8 “(j) *In this section:*

9 “(1) *The term ‘congressional defense committees’*
10 *means:*

11 “(A) *The Committees on Armed Services*
12 *and Appropriations of the Senate.*

13 “(B) *The Committees on Armed Services*
14 *and Appropriations of the House of Representa-*
15 *tives.*

16 “(2) *The term ‘base closure law’ means the fol-*
17 *lowing:*

18 “(A) *Section 2687 of this title.*

19 “(B) *The Defense Base Closure and Re-*
20 *alignment Act of 1990 (part A of title XXIX of*
21 *Public Law 101–510; 10 U.S.C. 2687 note).*

22 “(C) *Title II of the Defense Authorization*
23 *Amendments and Base Closure and Realignment*
24 *Act (Public Law 100–526; 10 U.S.C. 2687 note).*

1 “(3) *The terms ‘hazardous substance’, ‘release’,*
2 *and ‘pollutant or contaminant’ have the meanings*
3 *given such terms in paragraphs (14), (22), and (33)*
4 *of section 101 of the Comprehensive Environmental*
5 *Response, Compensation, and Liability Act of 1980,*
6 *respectively (42 U.S.C. 9601 (14), (22), and (33)).*

7 “(4) *The term ‘military installation’ has the*
8 *meaning given such term in section 2687(e)(1) of this*
9 *title.”.*

10 (f) *TREATMENT OF CERTAIN RECEIPTS.—(1) From the*
11 *money rentals resulting from leases entered into under sec-*
12 *tion 2667 of title 10, United States Code, an amount equal*
13 *to \$20,100,000 shall be deposited in the Treasury as mis-*
14 *cellaneous receipts in each of fiscal years 2001 through*
15 *2005, inclusive.*

16 (2) *The amount of the deposit under paragraph (1)*
17 *in any fiscal year covered by that paragraph may be re-*
18 *duced only to the extent that other receipts of the Depart-*
19 *ment of Defense for such fiscal year in an amount equal*
20 *to such reduction are deposited in the Treasury as miscella-*
21 *neous receipts in such fiscal year.*

1 **SEC. 2813. EXPANSION OF PROCEDURES FOR SELECTION**
 2 **OF CONVEYEEES UNDER AUTHORITY TO CON-**
 3 **VEY UTILITY SYSTEMS.**

4 *Section 2688(b) of title 10, United States Code, is*
 5 *amended—*

6 *(1) by inserting “(1)” before “If more than one”;*

7 *and*

8 *(2) by adding at the end the following new para-*
 9 *graph:*

10 *“(2) Notwithstanding paragraph (1), the Secretary*
 11 *concerned may use procedures other than competitive proce-*
 12 *dures for the selection of a conveyee of a utility under sub-*
 13 *section (a) in accordance with the provisions of subsections*
 14 *(c) through (f) of section 2304 this title.”.*

15 ***Subtitle C—Defense Base Closure***
 16 ***and Realignment***

17 **SEC. 2821. SCOPE OF AGREEMENTS TO TRANSFER PROP-**
 18 **ERTY TO REDEVELOPMENT AUTHORITIES**
 19 **WITHOUT CONSIDERATION UNDER THE BASE**
 20 **CLOSURE LAWS.**

21 *(a) 1990 LAW.—Section 2905(b)(4)(B)(i) of the De-*
 22 *fense Base Closure and Realignment Act of 1990 (part A*
 23 *of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)*
 24 *is amended by striking “the transfer” and inserting “the*
 25 *initial transfer of property”.*

1 (b) 1988 LAW.—Section 204(b)(4)(B)(i) of the Defense
 2 Authorization Amendments and Base Closure and Realign-
 3 ment Act (title II of Public Law 100–526; 10 U.S.C. 2687
 4 note) is amended by striking “the transfer” and inserting
 5 “the initial transfer of property”.

6 ***Subtitle D—Land Conveyances***

7 ***Part I—Army Conveyances***

8 ***SEC. 2831. LAND CONVEYANCE, CHARLES MELVIN PRICE*** 9 ***SUPPORT CENTER, ILLINOIS.***

10 (a) CONVEYANCE AUTHORIZED.—(1) The Secretary of
 11 the Army may convey to the Tri-City Regional Port Dis-
 12 trict of Granite City, Illinois (in this section referred to
 13 as the “Port District”), all right, title, and interest of the
 14 United States in and to a parcel of real property, including
 15 improvements thereon, consisting of approximately 752
 16 acres and known as the Charles Melvin Price Support Cen-
 17 ter, for the purpose of permitting the Port District to use
 18 the parcel for development of a port facility and for other
 19 public purposes.

20 (2) The property to be conveyed under paragraph (1)
 21 shall include 158 units of military family housing at the
 22 Charles Melvin Price Support Center for the purpose of per-
 23 mitting the Port District to use the housing to provide af-
 24 fordable housing, but only if the Port District agrees to ac-

1 cord first priority to members of the Armed Forces in the
2 lease of the housing.

3 (3) *The Secretary of the Army may include as part*
4 *of the conveyance under paragraph (1) such personal prop-*
5 *erty of the Army at the Charles Melvin Price Support Cen-*
6 *ter that the Secretary of Transportation considers appro-*
7 *priate for the development or operation of the port facility*
8 *if the Secretary of the Army determines that such property*
9 *is excess to the needs of the Army.*

10 (b) *INTERIM LEASE.—Until such time as the real*
11 *property described in subsection (a) is conveyed by deed,*
12 *the Secretary of the Army may lease the property to the*
13 *Port District.*

14 (c) *CONSIDERATION.—(1) The conveyance under sub-*
15 *section (a) shall be made without consideration as a public*
16 *benefit conveyance for port development if the Secretary of*
17 *the Army determines that the Port District satisfies the cri-*
18 *teria specified in section 203(q) of the Federal Property and*
19 *Administrative Services Act of 1949 (40 U.S.C. 484(q)) and*
20 *regulations prescribed to implement such section. If the Sec-*
21 *retary determines that the Port District fails to qualify for*
22 *a public benefit conveyance, but still desires to acquire the*
23 *property, the Port District shall pay to the United States*
24 *an amount equal to the fair market value of the property*

1 to be conveyed. The fair market value of the property shall
2 be determined by the Secretary.

3 (2) The Secretary may accept as consideration for a
4 lease of the property under subsection (b) an amount that
5 is less than fair market value of the property leased if the
6 Secretary determines that the public interest will be served
7 as a result of the lease on that basis.

8 (d) ARMY RESERVE CONFERENCE CENTER.—(1) Not-
9 withstanding the total acreage of the parcel authorized for
10 conveyance under subsection (a), the Secretary of the Army
11 may retain a portion of the parcel, not to exceed 50 acres,
12 for the development of an Army Reserve Conference Center.

13 (2) In selecting acreage for retention under this sub-
14 section, the Secretary shall ensure that the location and use
15 of the retained acreage does not interfere with the Port Dis-
16 trict's use of the remainder of the parcel for development
17 of a port facility and for other public purposes.

18 (3) At such time as the Secretary determines that the
19 acreage retained under this subsection is no longer needed
20 for an Army Reserve Conference Center, the Secretary shall
21 convey the acreage to the Port District in accordance with
22 subsection (c).

23 (e) FEDERAL LEASE OF FACILITIES.—(1) As a condi-
24 tion for the conveyance under subsection (a), the Secretary
25 of the Army may require that the Port District lease to the

1 *Department of Defense or any other Federal agency facili-*
2 *ties for use by the agency on the property being conveyed.*
3 *Any lease under this subsection shall be made under terms*
4 *and conditions satisfactory to the Secretary and the Port*
5 *District.*

6 (2) *The agency leasing a facility under this subsection*
7 *shall provide for the maintenance of the facility or pay the*
8 *Port District to maintain the facility. Maintenance of the*
9 *leased facilities performed by the Port District shall be to*
10 *the reasonable satisfaction of the United States, or as re-*
11 *quired by all applicable Federal, State, and local laws and*
12 *ordinances.*

13 (3) *At the end of a lease under this subsection, the fa-*
14 *cility covered by the lease shall revert to the Port District.*

15 (f) *FLOOD CONTROL EASEMENT.*—*The Port District*
16 *shall grant to the Secretary of the Army an easement on*
17 *the property conveyed under subsection (a) for the purpose*
18 *of permitting the Secretary to implement and maintain*
19 *flood control projects. The Secretary, acting through the*
20 *Corps of Engineers, shall be responsible for the maintenance*
21 *of any flood control project built on the property pursuant*
22 *to the easement.*

23 (g) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
24 *and legal description of the property to be conveyed under*

1 subsection (a) shall be determined by a survey satisfactory
 2 to the Secretary of the Army and the Port District.

3 (h) *ADDITIONAL TERMS.*—The Secretary of the Army
 4 may require such additional terms and conditions in con-
 5 nection with the conveyance as the Secretary considers ap-
 6 propriate to protect the interests of the United States.

7 **SEC. 2832. LAND CONVEYANCE, LIEUTENANT GENERAL**
 8 **MALCOLM HAY ARMY RESERVE CENTER,**
 9 **PITTSBURGH, PENNSYLVANIA.**

10 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the
 11 Army may convey to the City of Pittsburgh, Pennsylvania
 12 (in this section referred to as the “City”), all right, title,
 13 and interest of the United States in and to a parcel of real
 14 property, including improvements thereon, consisting of ap-
 15 proximately 2.68 acres located at 950 Saw Mill Run Boule-
 16 vard in Pittsburgh, Pennsylvania, and containing the Lieu-
 17 tenant General Malcolm Hay Army Reserve Center.

18 (b) *CONSIDERATION.*—As consideration for the convey-
 19 ance under subsection (a), the City shall pay to the United
 20 States an amount equal to the fair market value of the
 21 property to be conveyed, as determined by the Secretary.

22 (c) *DESCRIPTION OF PROPERTY.*—The exact acreage
 23 and legal description of the real property to be conveyed
 24 under this section shall be determined by a survey satisfac-

1 tory to the Secretary. The cost of the survey shall be borne
2 by the City.

3 (d) *ADDITIONAL TERMS AND CONSIDERATION.*—The
4 Secretary may require such additional terms and condi-
5 tions in connection with the conveyance under subsection
6 (a) as the Secretary considers appropriate to protect the
7 interests of the United States.

8 **SEC. 2833. LAND CONVEYANCE, COLONEL HAROLD E.**
9 **STEELE ARMY RESERVE CENTER AND MAIN-**
10 **TENANCE SHOP, PITTSBURGH, PENNSYL-**
11 **VANIA.**

12 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the
13 Army may convey to the Ellis School, Pittsburgh, Pennsyl-
14 vania (in this section referred to as the “School”), all right,
15 title, and interest of the United States in and to a parcel
16 of real property, including improvements thereon, con-
17 sisting of approximately 2 acres located at 6482 Aurelia
18 Street in Pittsburgh, Pennsylvania, and containing the
19 Colonel Harold E. Steele Army Reserve Center and Mainte-
20 nance Shop.

21 (b) *CONSIDERATION.*—As consideration for the convey-
22 ance under subsection (a), the School shall pay to the
23 United States an amount equal to the fair market value
24 of the property to be conveyed, as determined by the Sec-
25 retary.

1 (c) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
2 *and legal description of the real property to be conveyed*
3 *under this section shall be determined by a survey satisfac-*
4 *tory to the Secretary. The cost of the survey shall be borne*
5 *by the School.*

6 (d) *ADDITIONAL TERMS AND CONSIDERATION.*—*The*
7 *Secretary may require such additional terms and condi-*
8 *tions in connection with the conveyance under subsection*
9 *(a) as the Secretary considers appropriate to protect the*
10 *interests of the United States.*

11 **SEC. 2834. LAND CONVEYANCE, FORT LAWTON, WASH-**
12 **INGTON.**

13 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
14 *Army may convey, without consideration, to the City of Se-*
15 *attle, Washington (in this section referred to as the “City”),*
16 *all right, title, and interest of the United States in and to*
17 *the real property at Fort Lawton, Washington, consisting*
18 *of Area 500 and Government Way from 36th Avenue to*
19 *Area 500, for purposes of the inclusion of the property in*
20 *Discovery Park, Seattle, Washington.*

21 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
22 *and legal description of the property to be conveyed under*
23 *subsection (a) shall be determined by a survey satisfactory*
24 *to the Secretary. The cost of the survey shall be borne by*
25 *the City.*

1 (c) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
 2 *retary may require such additional terms and conditions*
 3 *in connection with the conveyance under subsection (a) as*
 4 *the Secretary considers appropriate to protect the interests*
 5 *of the United States.*

6 **SEC. 2835. LAND CONVEYANCE, VANCOUVER BARRACKS,**
 7 **WASHINGTON.**

8 (a) *CONVEYANCE OF WEST BARRACKS AUTHOR-*
 9 *IZED.*—*The Secretary of the Army may convey, without*
 10 *consideration, to the City of Vancouver, Washington (in this*
 11 *section referred to as the “City”), all right, title, and inter-*
 12 *est of the United States in and to a parcel of real property,*
 13 *including any improvements thereon, encompassing 19*
 14 *structures at Vancouver Barracks, Washington, which are*
 15 *identified by the Army using numbers between 602 and 676,*
 16 *and are known as the west barracks.*

17 (b) *PURPOSE.*—*The purpose of the conveyance author-*
 18 *ized by subsection (a) shall be to include the property de-*
 19 *scribed in that subsection in the Vancouver National His-*
 20 *toric Reserve, Washington.*

21 (c) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
 22 *and legal description of the real property to be conveyed*
 23 *under subsection (a) shall be determined by a survey satis-*
 24 *factory to the Secretary. The cost of the survey shall be borne*
 25 *by the City.*

1 (d) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
2 *retary may require such additional terms and conditions*
3 *in connection with the conveyance authorized by subsection*
4 *(a) as the Secretary considers appropriate to protect the*
5 *interests of the United States.*

6 **SEC. 2836. LAND CONVEYANCE, FORT RILEY, KANSAS.**

7 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
8 *Army may convey, without consideration, to the State of*
9 *Kansas, all right, title, and interest of the United States*
10 *in and to a parcel of real property, including any improve-*
11 *ments thereon, consisting of approximately 70 acres at Fort*
12 *Riley Military Reservation, Fort Riley, Kansas. The pre-*
13 *ferred site is adjacent to the Fort Riley Military Reserva-*
14 *tion boundary, along the north side of Huebner Road across*
15 *from the First Territorial Capitol of Kansas Historical Site*
16 *Museum.*

17 (b) *CONDITIONS OF CONVEYANCE.*—*The conveyance re-*
18 *quired by subsection (a) shall be subject to the following*
19 *conditions:*

20 (1) *That the State of Kansas use the property*
21 *conveyed solely for purposes of establishing and main-*
22 *taining a State-operated veterans cemetery.*

23 (2) *That all costs associated with the conveyance,*
24 *including the cost of relocating water and electric*
25 *utilities should the Secretary determine that such re-*

1 *locations are necessary, be borne by the State of Kan-*
2 *sas.*

3 (c) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
4 *and legal description of the real property to be conveyed*
5 *under subsection (a) shall be determined by a survey satis-*
6 *factory to the Secretary and the Director of the Kansas*
7 *Commission on Veterans Affairs.*

8 (d) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
9 *retary may require such additional terms and conditions*
10 *in connection with the conveyance required by subsection*
11 *(a) as the Secretary considers appropriate to protect the*
12 *interests of the United States.*

13 **SEC. 2837. LAND CONVEYANCE, ARMY RESERVE CENTER, WI-**
14 **NONA, MINNESOTA.**

15 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
16 *Army may convey, without consideration, to the Winona*
17 *State University Foundation of Winona, Minnesota (in this*
18 *section referred to as the “Foundation”), all right, title, and*
19 *interest of the United States in and to a parcel of real prop-*
20 *erty, including improvements thereon, in Winona, Min-*
21 *nesota, containing an Army Reserve Center for the purpose*
22 *of permitting the Foundation to use the parcel for edu-*
23 *cational purposes.*

24 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
25 *and legal description of the real property to be conveyed*

1 *under subsection (a) shall be determined by a survey satis-*
 2 *factory to the Secretary. The cost of the survey shall be borne*
 3 *by the Foundation.*

4 *(c) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
 5 *retary may require such additional terms and conditions*
 6 *in connection with the conveyance under subsection (a) as*
 7 *the Secretary considers appropriate to protect the interests*
 8 *of the United States.*

9 ***Part II—Navy Conveyances***

10 ***SEC. 2851. MODIFICATION OF LAND CONVEYANCE, MARINE***
 11 ***CORPS AIR STATION, EL TORO, CALIFORNIA.***

12 *(a) USE OF CONSIDERATION FOR CONVEYANCE AT*
 13 *MCAS, MIRAMAR, CALIFORNIA.—Section 2811(a)(2) of the*
 14 *Military Construction Authorization Act for Fiscal Years*
 15 *1990 and 1991 (division B of Public Law 101–189; 103*
 16 *Stat. 1650) is amended by striking “of additional military*
 17 *family housing units at Marine Corps Air Station, Tustin,*
 18 *California.” and inserting “and repair of roads and devel-*
 19 *opment of aerial port of embarkation facilities at Marine*
 20 *Corps Air Station, Miramar, California.”.*

21 *(b) CONFORMING AMENDMENT.—The section heading*
 22 *of such section is amended by striking “, AND CON-*
 23 ***STRUCTION OF FAMILY HOUSING AT MA-***
 24 ***RINE CORPS AIR STATION, TUSTIN, CALI-***
 25 ***FORNIA”.***

1 **SEC. 2852. MODIFICATION OF LAND CONVEYANCE, DEFENSE**
2 **FUEL SUPPLY POINT, CASCO BAY, MAINE.**

3 *Section 2839 of the Military Construction Authoriza-*
4 *tion Act for Fiscal Year 1995 (division B of Public Law*
5 *103–337; 108 Stat. 3065) is amended—*

6 *(1) by redesignating subsections (c) and (d) as*
7 *subsections (d) and (e), respectively; and*

8 *(2) by inserting after subsection (b) the following*
9 *new subsection (c):*

10 *“(c) REPLACEMENT OF REMOVED ELECTRIC UTILITY*
11 *SERVICE.—(1) The Secretary of Defense may replace the*
12 *electric utility service removed during the course of environ-*
13 *mental remediation carried out with respect to the property*
14 *to be conveyed under subsection (a), including the procure-*
15 *ment and installation of electrical cables, switch cabinets,*
16 *and transformers associated with the service.*

17 *“(2) As part of the replacement of the electric utility*
18 *service under paragraph (1), the Secretary of Defense may,*
19 *in consultation with the Town, improve the electric utility*
20 *service and install telecommunications service. The Town*
21 *shall pay any cost associated with the improvement of the*
22 *electric utility service and the installation of telecommuni-*
23 *cations service under this paragraph.”.*

1 **SEC. 2853. MODIFICATION OF LAND CONVEYANCE AUTHOR-**
2 **ITY, FORMER NAVAL TRAINING CENTER,**
3 **BAINBRIDGE, CECIL COUNTY, MARYLAND.**

4 *Section 1 of Public Law 99–596 (100 Stat. 3349) is*
5 *amended—*

6 *(1) in subsection (a), by striking “subsections (b)*
7 *through (f)” and inserting “subsections (b) through*
8 *(e)”;*

9 *(2) by striking subsection (b) and inserting the*
10 *following new subsection (b):*

11 *“(b) CONSIDERATION.—(1) In the event of the transfer*
12 *of the property under subsection (a) to the State of Mary-*
13 *land, the transfer shall be with consideration or without*
14 *consideration from the State of Maryland, at the election*
15 *of the Secretary.*

16 *“(2) If the Secretary elects to receive consideration*
17 *from the State of Maryland under paragraph (1), the Sec-*
18 *retary may reduce the amount of consideration to be re-*
19 *ceived from the State of Maryland under that paragraph*
20 *by an amount equal to the cost, estimated as of the time*
21 *of the transfer of the property under this section, of the res-*
22 *toration of the historic buildings on the property. The total*
23 *amount of the reduction of consideration under this para-*
24 *graph may not exceed \$500,000.”;*

25 *(3) by striking subsection (d); and*

1 (4) by redesignating subsections (e) and (f) as
2 subsections (d) and (e), respectively.

3 **SEC. 2854. LAND CONVEYANCE, NAVAL COMPUTER AND**
4 **TELECOMMUNICATIONS STATION, CUTLER,**
5 **MAINE.**

6 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
7 *Navy may convey, without consideration, to the State of*
8 *Maine, any political subdivision of the State of Maine, or*
9 *any tax-supported agency in the State of Maine, all right,*
10 *title, and interest of the United States in and to a parcel*
11 *of real property, together with any improvements thereon,*
12 *consisting of approximately 263 acres located in Wash-*
13 *ington County, Maine, and known as the Naval Computer*
14 *and Telecommunications Station (NCTS), Cutler, Maine.*

15 (b) *REIMBURSEMENT FOR ENVIRONMENTAL AND*
16 *OTHER ASSESSMENTS.*—(1) *The Secretary may require the*
17 *recipient of the property conveyed under this section to re-*
18 *imburse the Secretary for the costs incurred by the Sec-*
19 *retary for any environmental assessments and other studies*
20 *and analyses carried out by the Secretary with respect to*
21 *the property to be conveyed under this section before the*
22 *conveyance of the property under this section.*

23 (2) *The amount of any reimbursement required under*
24 *paragraph (1) shall be determined by the Secretary and*
25 *may not exceed the cost of the assessments, studies, and*

1 *analyses for which reimbursement is required under that*
2 *paragraph.*

3 (3) *Amounts paid as reimbursement for costs under*
4 *this subsection shall be credited to the account from which*
5 *the costs were paid. Amounts so credited to an account shall*
6 *be merged with funds in the account, and shall be available*
7 *for the same purposes and subject to the same limitations*
8 *as the funds with which merged.*

9 (c) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
10 *and legal description of the property to be conveyed under*
11 *subsection (a) shall be determined by a survey satisfactory*
12 *to the Secretary. The cost of the survey shall be borne by*
13 *the recipient of the property under this section.*

14 (d) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
15 *retary may require such additional terms and conditions*
16 *in connection with the conveyance under subsection (a) as*
17 *the Secretary considers appropriate to protect the interests*
18 *of the United States.*

19 (e) *LEASE OF PROPERTY PENDING CONVEYANCE.*—(1)
20 *Pending the conveyance by deed of the property authorized*
21 *to be conveyed by subsection (a), the Secretary may enter*
22 *into one or more leases of the property.*

23 (2) *The Secretary shall deposit any amounts paid*
24 *under a lease under paragraph (1) in the appropriation*
25 *or account providing funds for the protection, maintenance,*

1 *or repair of the property, or for the provision of utility serv-*
 2 *ices for the property. Amounts so deposited shall be merged*
 3 *with funds in the appropriation or account in which depos-*
 4 *ited, and shall be available for the same purposes, and sub-*
 5 *ject to the same conditions and limitations, as the funds*
 6 *with which merged.*

7 **SEC. 2855. MODIFICATION OF AUTHORITY FOR OXNARD**
 8 **HARBOR DISTRICT, PORT HUENEME, CALI-**
 9 **FORNIA, TO USE CERTAIN NAVY PROPERTY.**

10 *(a) ADDITIONAL RESTRICTIONS ON JOINT USE.—Sub-*
 11 *section (c) of section 2843 of the Military Construction Au-*
 12 *thorization Act for Fiscal Year 1995 (division B of Public*
 13 *Law 103–337; 108 Stat. 3067) is amended to read as fol-*
 14 *lows:*

15 *“(c) RESTRICTIONS ON USE.—The District’s use of the*
 16 *property covered by an agreement under subsection (a) is*
 17 *subject to the following conditions:*

18 *“(1) The District shall suspend operations under*
 19 *the agreement upon notification by the commanding*
 20 *officer of the Center that the property is needed to*
 21 *support mission essential naval vessel support re-*
 22 *quirements or Navy contingency operations, including*
 23 *combat missions, natural disasters, and humani-*
 24 *tarian missions.*

1 “(2) *The District shall use the property covered*
2 *by the agreement in a manner consistent with Navy*
3 *operations at the Center, including cooperating with*
4 *the Navy for the purpose of assisting the Navy to meet*
5 *its through-put requirements at the Center for the ex-*
6 *peditious movement of military cargo.*

7 “(3) *The commanding officer of the Center may*
8 *require the District to remove any of its personal*
9 *property at the Center that the commanding officer*
10 *determines may interfere with military operations at*
11 *the Center. If the District cannot expeditiously remove*
12 *the property, the commanding officer may provide for*
13 *the removal of the property at District expense.”.*

14 (b) *CONSIDERATION.—Subsection (d) of such section is*
15 *amended to read as follows:*

16 “(d) *CONSIDERATION.—(1) As consideration for the*
17 *use of the property covered by an agreement under sub-*
18 *section (a), the District shall pay to the Navy an amount*
19 *that is mutually agreeable to the parties to the agreement,*
20 *taking into account the nature and extent of the District’s*
21 *use of the property.*

22 “(2) *The Secretary may accept in-kind consideration*
23 *under paragraph (1), including consideration in the form*
24 *of—*

1 “(A) *the District’s maintenance, preservation,*
2 *improvement, protection, repair, or restoration of all*
3 *or any portion of the property covered by the agree-*
4 *ment;*

5 “(B) *the construction of new facilities, the modi-*
6 *fication of existing facilities, or the replacement of fa-*
7 *cilities vacated by the Navy on account of the agree-*
8 *ment; and*

9 “(C) *covering the cost of relocation of the oper-*
10 *ations of the Navy from the vacated facilities to the*
11 *replacement facilities.*

12 “(3) *All cash consideration received under paragraph*
13 *(1) shall be deposited in the special account in the Treasury*
14 *established for the Navy under section 2667(d) of title 10,*
15 *United States Code. The amounts deposited in the special*
16 *account pursuant to this paragraph shall be available, as*
17 *provided in appropriation Acts, for general supervision, ad-*
18 *ministration, overhead expenses, and Center operations and*
19 *for the maintenance, preservation, improvement, protection,*
20 *repair, or restoration of property at the Center.”.*

21 (c) *CONFORMING AMENDMENTS.—Such section is fur-*
22 *ther amended—*

23 (1) *by striking subsection (f); and*

24 (2) *by redesignating subsections (g) and (h) as*
25 *subsections (f) and (g), respectively.*

1 **SEC. 2856. REGARDING LAND CONVEYANCE, MARINE CORPS**
2 **BASE, CAMP LEJEUNE, NORTH CAROLINA.**

3 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
4 *Navy may convey, to the City of Jacksonville, North Caro-*
5 *lina (City), all right, title and interest of the United States*
6 *in and to real property, including improvements thereon,*
7 *and currently leased to Norfolk Southern Corporation*
8 *(NSC), consisting of approximately 50 acres, known as the*
9 *railroad right-of-way, lying within the City between High-*
10 *way 24 and Highway 17, at the Marine Corps Base, Camp*
11 *Lejeune, North Carolina, for the purpose of permitting the*
12 *City to develop the parcel for initial use as a bike/green*
13 *way trail.*

14 (b) *CONSIDERATION.*—*As consideration for the convey-*
15 *ance under subsection (a), the City shall reimburse the Sec-*
16 *retary such amounts (as determined by the Secretary) equal*
17 *to the costs incurred by the Secretary in carrying out the*
18 *provisions of this section, including, but not limited to,*
19 *planning, design, surveys, environmental assessment and*
20 *compliance, supervision and inspection of construction, sev-*
21 *ering and realigning utility systems, and other prudent and*
22 *necessary actions, prior to the conveyance authorized by*
23 *subsection (a). Amounts collected under this subsection shall*
24 *be credited to the account(s) from which the expenses were*
25 *paid. Amounts so credited shall be merged with funds in*
26 *such account(s) and shall be available for the same purposes*

1 *and subject to the same limitations as the funds with which*
 2 *merged.*

3 (c) *CONDITION OF CONVEYANCE.*—*The right of the Sec-*
 4 *retary of the Navy to retain such easements, rights-of-way,*
 5 *and other interests in the property conveyed and to impose*
 6 *such restrictions on the property conveyed as are necessary*
 7 *to ensure the effective security, maintenance, and operations*
 8 *of the Marine Corps Base, Camp Lejeune, North Carolina,*
 9 *and to protect human health and the environment.*

10 (d) *DESCRIPTION OF THE PROPERTY.*—*The exact acre-*
 11 *age and legal description of the real property authorized*
 12 *to be conveyed under subsection (a) shall be determined by*
 13 *a survey satisfactory to the Secretary of the Navy.*

14 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
 15 *retary of the Navy may require such additional terms and*
 16 *conditions in connection with the conveyance under sub-*
 17 *section (a) as the Secretary considers appropriate to protect*
 18 *the interests of the United States.*

19 ***Part III—Air Force Conveyances***

20 ***SEC. 2861. MODIFICATION OF LAND CONVEYANCE, ELLS-***
 21 ***WORTH AIR FORCE BASE, SOUTH DAKOTA.***

22 (a) *MODIFICATION OF CONVEYEE.*—*Subsection (a) of*
 23 *section 2863 of the Military Construction Authorization Act*
 24 *for Fiscal Year 1998 (division B of Public Law 105–85;*
 25 *111 Stat. 2010) is amended by striking “Greater Box Elder*

1 *Area Economic Development Corporation, Box Elder,*
 2 *South Dakota (in this section referred to as the ‘Corpora-*
 3 *tion’)*” and inserting “*West River Foundation for Economic*
 4 *and Community Development, Sturgis, South Dakota (in*
 5 *this section referred to as the ‘Foundation’)*”.

6 (b) *CONFORMING AMENDMENTS.*—*That section is fur-*
 7 *ther amended by striking “Corporation” each place it ap-*
 8 *pears in subsections (c) and (e) and inserting “Founda-*
 9 *tion”.*

10 **SEC. 2862. LAND CONVEYANCE, LOS ANGELES AIR FORCE**
 11 **BASE, CALIFORNIA.**

12 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
 13 *Air Force may convey, by sale or lease upon such terms*
 14 *as the Secretary considers appropriate, all or any portion*
 15 *of the following parcels of real property, including improve-*
 16 *ments thereon, at Los Angeles Air Force Base, California:*

17 (1) *Approximately 42 acres in El Segundo, Cali-*
 18 *fornia, commonly known as Area A.*

19 (2) *Approximately 52 acres in El Segundo, Cali-*
 20 *fornia, commonly known as Area B.*

21 (3) *Approximately 13 acres in Hawthorne, Cali-*
 22 *fornia, commonly known as the Lawndale Annex.*

23 (4) *Approximately 3.7 acres in Sun Valley, Cali-*
 24 *fornia, commonly known as the Armed Forces Radio*
 25 *and Television Service Broadcast Center.*

1 (b) *CONSIDERATION.*—As consideration for the convey-
2 ance of real property under subsection (a), the recipient of
3 the property shall provide for the design and construction
4 on real property acceptable to the Secretary of one or more
5 facilities to consolidate the mission and support functions
6 at Los Angeles Air Force Base. Any such facility must com-
7 ply with the seismic and safety design standards for Los
8 Angeles County, California, in effect at the time the Sec-
9 retary takes possession of the facility.

10 (c) *LEASEBACK AUTHORITY.*—If the fair market value
11 of a facility to be provided as consideration for the convey-
12 ance of real property under subsection (a) exceeds the fair
13 market value of the conveyed property, the Secretary may
14 enter into a lease for the facility for a period not to exceed
15 10 years. Rental payments under the lease shall be estab-
16 lished at the rate necessary to permit the lessor to recover,
17 by the end of the lease term, the difference between the fair
18 market value of a facility and the fair market value of the
19 conveyed property. At the end of the lease, all right, title,
20 and interest in the facility shall vest in the United States.

21 (d) *APPRAISAL OF PROPERTY.*—The Secretary shall
22 obtain an appraisal of the fair market value of all property
23 and facilities to be sold, leased, or acquired under this sec-
24 tion. An appraisal shall be made by a qualified appraiser
25 familiar with the type of property to be appraised. The Sec-

1 retary shall consider the appraisals in determining whether
 2 a proposed conveyance accomplishes the purpose of this sec-
 3 tion and is in the interest of the United States. Appraisal
 4 reports shall not be released outside of the Federal Govern-
 5 ment, other than the other party to a conveyance.

6 (e) *DESCRIPTION OF PROPERTY.*—The exact acreage
 7 and legal description of real property to be conveyed under
 8 subsection (a) or acquired under subsection (b) shall be de-
 9 termined by a survey satisfactory to the Secretary. The cost
 10 of the survey shall be borne by the recipient of the property.

11 (f) *EXEMPTION.*—Section 2696 of title 10, United
 12 States Code, does not apply to the conveyance authorized
 13 by subsection (a).

14 (g) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
 15 retary may require such additional terms and conditions
 16 in connection with a conveyance under subsection (a) or
 17 a lease under subsection (c) as the Secretary considers ap-
 18 propriate to protect the interests of the United States.

19 **SEC. 2863. LAND CONVEYANCE, MUKILTEO TANK FARM,**
 20 **EVERETT, WASHINGTON.**

21 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the
 22 Air Force may convey, without consideration, to the Port
 23 of Everett, Washington (in this section referred to as the
 24 “Port”), all right, title, and interest of the United States
 25 in and to a parcel of real property, including any improve-

1 ments thereon, consisting of approximately 22 acres and
2 known as the Mukilteo Tank Farm for the purposes of per-
3 mitting the Port to use the parcel for the development and
4 operation of a port facility and for other public purposes.

5 (b) *PERSONAL PROPERTY.*—The Secretary of the Air
6 Force may include as part of the conveyance authorized by
7 subsection (a) any personal property at the Mukilteo Tank
8 Farm that is excess to the needs of the Air Force if the Sec-
9 retary of Transportation determines that such personal
10 property is appropriate for the development or operation
11 of the Mukilteo Tank Farm as a port facility.

12 (c) *INTERIM LEASE.*—(1) Until such time as the real
13 property described in subsection (a) is conveyed by deed,
14 the Secretary of the Air Force may lease all or part of the
15 real property to the Port if the Secretary determines that
16 the real property is suitable for lease and the lease of the
17 property under this subsection will not interfere with any
18 environmental remediation activities or schedules under ap-
19 plicable law or agreements.

20 (2) The determination under paragraph (1) whether
21 the lease of the real property will interfere with environ-
22 mental remediation activities or schedules referred to in
23 that paragraph shall be based upon an environmental base-
24 line survey conducted in accordance with applicable Air
25 Force regulations and policy.

1 (3) *Except as provided by paragraph (4), as consider-*
2 *ation for the lease under this subsection, the Port shall pay*
3 *the Secretary an amount equal to the fair market of the*
4 *lease, as determined by the Secretary.*

5 (4) *The amount of consideration paid by the Port for*
6 *the lease under this subsection may be an amount, as deter-*
7 *mined by the Secretary, less than the fair market value of*
8 *the lease if the Secretary determines that—*

9 (A) *the public interest will be served by an*
10 *amount of consideration for the lease that is less than*
11 *the fair market value of the lease; and*

12 (B) *payment of an amount equal to the fair*
13 *market value of the lease is unobtainable.*

14 (d) *DESCRIPTION OF PROPERTY.—The exact acreage*
15 *and legal description of the property to be conveyed under*
16 *subsection (a) shall be determined by a survey satisfactory*
17 *to the Secretary of the Air Force and the Port.*

18 (e) *ADDITIONAL TERMS.—The Secretary of the Air*
19 *Force, in consultation with the Secretary of Transportation,*
20 *may require such additional terms and conditions in con-*
21 *nection with the conveyance under subsection (a) as the Sec-*
22 *retary of the Air Force considers appropriate to protect the*
23 *interests of the United States.*

Part IV—Defense Agencies Conveyances

**SEC. 2871. LAND CONVEYANCE, ARMY AND AIR FORCE EX-
CHANGE SERVICE PROPERTY, FARMERS
BRANCH, TEXAS.**

(a) *CONVEYANCE AUTHORIZED.*—(1) *The Secretary of Defense may convey all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, under the jurisdiction of the Army and Air Force Exchange Service that is located at 2727 LBJ Freeway, Farmers Branch, Texas.*

(2) *The Secretary shall carry out any activities under this section (other than activities under subsections (e) and (g)) through the Army and Air Force Exchange Service.*

(b) *CONSIDERATION.*—*As consideration for the conveyance of property under subsection (a) the Secretary shall require a cash payment in an amount equal to the fair market value (as determined by the Secretary) of the property. The cash payment shall be made in a lump-sum payment.*

(c) *TREATMENT OF PAYMENT.*—*Any cash payment received under subsection (b) shall be processed in accordance with section 204(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(c)).*

(d) *APPLICATION OF OTHER LAWS.*—*The conveyance authorized by subsection (a) shall not be subject to the following:*

(1) *Section 2693 of title 10, United States Code.*

1 (2) *The provisions of the Federal Property and*
2 *Administrative Services Act of 1949 (40 U.S.C. 471*
3 *et seq.).*

4 (3) *Section 501 of the Stewart B. McKinney*
5 *Homeless Assistance Act (42 U.S.C. 11411).*

6 (4) *Any other provision of law which is incon-*
7 *sistent with a provision of this section.*

8 (e) *REPORT.*—*Not later than one year after the convey-*
9 *ance, if any, of property under this section, the Secretary*
10 *shall submit to the congressional defense committees a re-*
11 *port on the conveyance. The report shall set forth the details*
12 *of the conveyance.*

13 (f) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
14 *and legal description of the property to be conveyed under*
15 *subsection (a) shall be determined by a survey satisfactory*
16 *to the Secretary. The cost of the survey shall be borne by*
17 *the prospective purchaser of the property.*

18 (g) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
19 *retary may require such additional terms and conditions*
20 *in connection with the conveyance under subsection (a) as*
21 *the Secretary considers appropriate to protect the interests*
22 *of the United States.*

Part V—Other Conveyances

**SEC. 2881. LAND CONVEYANCE, FORMER NATIONAL
GROUND INTELLIGENCE CENTER, CHAR-
LOTTESVILLE, VIRGINIA.**

(a) *CONVEYANCE AUTHORIZED.*—The Administrator of General Services may convey, without consideration, to the City of Charlottesville, Virginia (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, formerly occupied by the National Ground Intelligence Center and known as the Jefferson Street Property.

(b) *AUTHORITY TO CONVEY WITHOUT CONSIDERATION.*—The conveyance authorized by subsection (a) may be made without consideration if the Administrator determines that the conveyance on that basis would be in the best interests of the United States.

(c) *PURPOSE OF CONVEYANCE.*—The conveyance authorized by subsection (a) shall be for the purpose of permitting the City to use the parcel, directly or through an agreement with a public or private entity, for economic development purposes.

(d) *REVERSIONARY INTEREST.*—If, during the 5-year period beginning on the date the Administrator makes the conveyance authorized by subsection (a), the Administrator determines that the conveyed real property is not being used

1 *for a purpose specified in subsection (c), all right, title, and*
2 *interest in and to the property, including any improve-*
3 *ments thereon, may upon the election of the Administrator*
4 *revert to the United States, and upon such reversion the*
5 *United States shall have the right of immediate entry onto*
6 *the property.*

7 *(e) INAPPLICABILITY OF CERTAIN PROPERTY MANAGE-*
8 *MENT LAWS.—The conveyance authorized by subsection (a)*
9 *shall not be subject to the following:*

10 *(1) Sections 2667 and 2696 of title 10, United*
11 *States Code.*

12 *(2) Section 501 of the Stewart B. McKinney*
13 *Homeless Assistance Act (42 U.S.C. 11411).*

14 *(3) Sections 202 and 203 of the Federal Property*
15 *and Administrative Services Act of 1949 (40 U.S.C.*
16 *483, 484).*

17 *(f) LIMITATION ON CERTAIN SUBSEQUENT CONVEY-*
18 *ANCES.—(1) Subject to paragraph (2), if at any time after*
19 *the Administrator makes the conveyance authorized by sub-*
20 *section (a) the City conveys any portion of the parcel con-*
21 *veyed under that subsection to a private entity, the City*
22 *shall pay to the United States an amount equal to the fair*
23 *market value (as determined by the Administrator) of the*
24 *portion conveyed at the time of its conveyance under this*
25 *subsection.*

1 (2) *Paragraph (1) applies to a conveyance described*
2 *in that paragraph only if the Administrator makes the con-*
3 *veyance authorized by subsection (a) without consideration.*

4 (3) *The Administrator shall deposit any amounts paid*
5 *the United States under this subsection into the fund estab-*
6 *lished by section 210(f) of the Federal Property and Admin-*
7 *istrative Services Act of 1949 (40 U.S.C. 490(f)). Any*
8 *amounts so deposited shall be available to the Adminis-*
9 *trator for real property management and related activities*
10 *as provided for under paragraph (2) of that section.*

11 (g) *DESCRIPTION OF PROPERTY.—The exact acreage*
12 *and legal description of the real property to be conveyed*
13 *under subsection (a) shall be determined by a survey satis-*
14 *factory to the Administrator. The cost of the survey shall*
15 *be borne by the City.*

16 (h) *ADDITIONAL TERMS AND CONDITIONS.—The Ad-*
17 *ministrator may require such additional terms and condi-*
18 *tions in connection with the conveyance as the Adminis-*
19 *trator considers appropriate to protect the interests of the*
20 *United States.*

1 ***Subtitle E—Other Matters***

2 ***SEC. 2891. NAMING OF ARMY MISSILE TESTING RANGE AT***
 3 ***KWAJALEIN ATOLL AS THE RONALD REAGAN***
 4 ***BALLISTIC MISSILE DEFENSE TEST SITE AT***
 5 ***KWAJALEIN ATOLL.***

6 *The United States Army missile testing range located*
 7 *at Kwajalein Atoll in the Marshall Islands shall be known*
 8 *and designated as the “Ronald Reagan Ballistic Missile De-*
 9 *fense Test Site at Kwajalein Atoll”. Any reference to that*
 10 *range in any law, regulation, map, document, record, or*
 11 *other paper of the United States shall be considered to be*
 12 *a reference to the Ronald Reagan Ballistic Missile Defense*
 13 *Test Site at Kwajalein Atoll.*

14 ***SEC. 2892. ACCEPTANCE AND USE OF GIFTS FOR CON-***
 15 ***STRUCTION OF THIRD BUILDING AT UNITED***
 16 ***STATES AIR FORCE MUSEUM, WRIGHT-PAT-***
 17 ***TERSON AIR FORCE BASE, OHIO.***

18 *(a) ACCEPTANCE AUTHORIZED.—(1) The Secretary of*
 19 *the Air Force may accept from the Air Force Museum*
 20 *Foundation, a private non-profit foundation, gifts in the*
 21 *form of cash, Treasury instruments, or comparable United*
 22 *States Government securities for the purpose of paying the*
 23 *costs of design and construction of a third building for the*
 24 *United States Air Force Museum at Wright-Patterson Air*
 25 *Force Base, Ohio. The building is listed as an unfunded*

1 *military construction requirement for the Air Force in the*
2 *fiscal year 2002 military construction program of the Air*
3 *Force.*

4 (2) *A gift accepted under paragraph (1) may specify*
5 *that all or part of the amount of the gift be utilized solely*
6 *for purposes of the design and construction of a particular*
7 *portion of the building described in that paragraph.*

8 (b) *DEPOSIT IN ESCROW ACCOUNT.—The Secretary,*
9 *acting through the Comptroller of the Air Force Materiel*
10 *Command, shall deposit the amount of any cash, instru-*
11 *ments, or securities accepted as a gift under subsection (a)*
12 *in an escrow account established for that purpose.*

13 (c) *INVESTMENT.—Amounts in the escrow account*
14 *under subsection (b) not required to meet current require-*
15 *ments of the account shall be invested in public debt securi-*
16 *ties with maturities suitable to the needs of the account,*
17 *as determined by the Comptroller of the Air Force Materiel*
18 *Command, and bearing interest at rates that take into con-*
19 *sideration current market yields on outstanding marketable*
20 *obligations of the United States of comparable maturities.*
21 *The income on such investments shall be credited to and*
22 *form a part of the account.*

23 (d) *UTILIZATION.—(1) Amounts in the escrow account*
24 *under subsection (b), including any income on investments*
25 *of such amounts under subsection (c), that are attributable*

1 *to a particular portion of the building described in sub-*
2 *section (a) shall be utilized by the Comptroller of the Air*
3 *Force Materiel Command to pay the costs of the design and*
4 *construction of such portion of the building, including*
5 *progress payments for such design and construction.*

6 (2) *Subject to paragraph (3), amounts shall be payable*
7 *under paragraph (1) upon receipt by the Comptroller of the*
8 *Air Force Materiel Command of a notification from an ap-*
9 *propriate officer or employee of the Corps of Engineers that*
10 *such amounts are required for the timely payment of an*
11 *invoice or claim for the performance of design or construc-*
12 *tion activities for which such amounts are payable under*
13 *paragraph (1).*

14 (3) *The Comptroller of the Air Force Materiel Com-*
15 *mand shall, to the maximum extent practicable consistent*
16 *with good business practice, limit payment of amounts from*
17 *the account in order to maximize the return on investment*
18 *of amounts in the account.*

19 (e) *LIMITATION ON CONTRACTS.—The Corps of Engi-*
20 *neers may not enter into a contract for the design or con-*
21 *struction of a particular portion of the building described*
22 *in subsection (a) until amounts in the escrow account under*
23 *subsection (b), including any income on investments of such*
24 *amounts under subsection (c), that are attributable to such*

1 *portion of the building are sufficient to cover the amount*
2 *of such contract.*

3 *(f) LIQUIDATION OF ESCROW ACCOUNT.—(1) Upon*
4 *final payment of all invoices and claims associated with*
5 *the design and construction of the building described in sub-*
6 *section (a), the Secretary of the Air Force shall terminate*
7 *the escrow account under subsection (b).*

8 *(2) Any amounts in the account upon final payment*
9 *of invoices and claims as described in paragraph (1) shall*
10 *be available to the Secretary for such purposes as the Sec-*
11 *retary considers appropriate.*

12 **SEC. 2893. DEVELOPMENT OF MARINE CORPS HERITAGE**
13 **CENTER AT MARINE CORPS BASE, QUANTICO,**
14 **VIRGINIA.**

15 *(a) AUTHORITY TO ENTER INTO JOINT VENTURE FOR*
16 *DEVELOPMENT.—The Secretary of the Navy may enter into*
17 *a joint venture with the Marine Corps Heritage Founda-*
18 *tion, a not-for-profit entity, for the design and construction*
19 *of a multipurpose facility to be used for historical displays*
20 *for public viewing, curation, and storage of artifacts, re-*
21 *search facilities, classrooms, offices, and associated activi-*
22 *ties consistent with the mission of the Marine Corps Univer-*
23 *sity. The facility shall be known as the Marine Corps Herit-*
24 *age Center.*

1 (b) *AUTHORITY TO ACCEPT CERTAIN LAND.*—(1) *The*
2 *Secretary may, if the Secretary determines it to be nec-*
3 *essary for the facility described in subsection (a), accept*
4 *without compensation any portion of the land known as*
5 *Locust Shade Park which is now offered by the Park Au-*
6 *thority of the County of Prince William, Virginia, as a po-*
7 *tential site for the facility.*

8 (2) *The Park Authority may convey the land described*
9 *in paragraph (1) to the Secretary under this section with-*
10 *out regard to any limitation on its use, or requirement for*
11 *its replacement upon conveyance, under section 6(f)(3) of*
12 *the Land and Water Conservation Fund Act of 1965 (16*
13 *U.S.C. 460l–8(f)(3)) or under any other provision of law.*

14 (c) *DESIGN AND CONSTRUCTION.*—*For each phase of*
15 *development of the facility described in subsection (a), the*
16 *Secretary may—*

17 (1) *permit the Marine Corps Heritage Founda-*
18 *tion to contract for the design, construction, or both*
19 *of such phase of development; or*

20 (2) *accept funds from the Marine Corps Heritage*
21 *Foundation for the design, construction, or both of*
22 *such phase of development.*

23 (d) *ACCEPTANCE AUTHORITY.*—*Upon completion of*
24 *construction of any phase of development of the facility de-*
25 *scribed in subsection (a) by the Marine Corps Heritage*

1 *Foundation to the satisfaction of the Secretary, and the sat-*
2 *isfaction of any financial obligations incident thereto by*
3 *the Marine Corps Heritage Foundation, the facility shall*
4 *become the property of the Department of the Navy with*
5 *all right, title, and interest in and to facility being in the*
6 *United States.*

7 (e) *LEASE OF FACILITY.*—(1) *The Secretary may lease,*
8 *under such terms and conditions as the Secretary considers*
9 *appropriate for the joint venture authorized by subsection*
10 *(a), portions of the facility developed under that subsection*
11 *to the Marine Corps Heritage Foundation for use in gener-*
12 *ating revenue for activities of the facility and for such ad-*
13 *ministrative purposes as may be necessary for support of*
14 *the facility.*

15 (2) *The amount of consideration paid the Secretary*
16 *by the Marine Corps Heritage Foundation for the lease*
17 *under paragraph (1) may not exceed an amount equal to*
18 *the actual cost (as determined by the Secretary) of the oper-*
19 *ation of the facility.*

20 (3) *Notwithstanding any other provision of law, the*
21 *Secretary shall use amounts paid under paragraph (2) to*
22 *cover the costs of operation of the facility.*

23 (f) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
24 *retary may require such additional terms and conditions*
25 *in connection with the joint venture authorized by sub-*

1 *section (a) as the Secretary considers appropriate to protect*
2 *the interests of the United States.*

3 **SEC. 2894. ACTIVITIES RELATING TO THE GREENBELT AT**
4 **FALLON NAVAL AIR STATION, NEVADA.**

5 *(a) IN GENERAL.—The Secretary of the Navy shall,*
6 *in consultation with the Secretary of the Army acting*
7 *through the Chief of Engineers, carry out appropriate ac-*
8 *tivities after examination of the potential environmental*
9 *and flight safety ramifications for irrigation that has been*
10 *eliminated, or will be eliminated, for the greenbelt at Fallon*
11 *Naval Air Station, Nevada. Any activities carried out*
12 *under the preceding sentence shall be consistent with air-*
13 *crew safety at Fallon Naval Air Station.*

14 *(b) AUTHORIZATION OF APPROPRIATIONS.—There is*
15 *hereby authorized to be appropriated for operation and*
16 *maintenance for the Navy such sums as may be necessary*
17 *to carry out the activities required by subsection (a).*

18 **SEC. 2895. SENSE OF CONGRESS REGARDING LAND TRANS-**
19 **FERS AT MELROSE RANGE, NEW MEXICO, AND**
20 **YAKIMA TRAINING CENTER, WASHINGTON.**

21 *(a) FINDINGS.—Congress makes the following findings:*

22 *(1) The Secretary of the Air Force seeks the*
23 *transfer of 6,713 acres of public domain land within*
24 *the Melrose Range, New Mexico, from the Department*

1 *of the Interior to the Department of the Air Force for*
2 *the continued use of these lands as a military range.*

3 *(2) The Secretary of the Army seeks the transfer*
4 *of 6,640 acres of public domain land within the*
5 *Yakima Training Center, Washington, from the De-*
6 *partment of the Interior to the Department of the*
7 *Army for military training purposes.*

8 *(3) The transfers provide the Department of the*
9 *Air Force and the Department of the Army with com-*
10 *plete land management control of these public domain*
11 *lands to allow for effective land management, mini-*
12 *mize safety concerns, and ensure meaningful training.*

13 *(4) The Department of the Interior concurs with*
14 *the land transfers at Melrose Range and Yakima*
15 *Training Center.*

16 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
17 *that the land transfers at Melrose Range, New Mexico, and*
18 *Yakima Training Center, Washington, will support mili-*
19 *tary training, safety, and land management concerns on*
20 *the lands subject to transfer.*

1 ***DIVISION C—DEPARTMENT OF***
 2 ***ENERGY NATIONAL SECURITY***
 3 ***AUTHORIZATIONS AND***
 4 ***OTHER AUTHORIZATIONS***
 5 ***TITLE XXXI—DEPARTMENT OF***
 6 ***ENERGY NATIONAL SECURITY***
 7 ***PROGRAMS***
 8 ***Subtitle A—National Security***
 9 ***Programs Authorizations***

10 ***SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-***
 11 ***TION.***

12 *(a) IN GENERAL.—Funds are hereby authorized to be*
 13 *appropriated to the Department of Energy for fiscal year*
 14 *2001 for national nuclear security administration in car-*
 15 *rying out programs necessary for national security in the*
 16 *amount of \$6,289,835,000, to be allocated as follows:*

17 *(1) WEAPONS ACTIVITIES.—For weapons activi-*
 18 *ties necessary for national nuclear security adminis-*
 19 *tration, \$4,747,800,000, to be allocated as follows:*

20 *(A) STEWARDSHIP OPERATION AND MAINTEN-*
 21 *NANCE.—For stewardship operation and mainte-*
 22 *nance in carrying out weapons activities nec-*
 23 *essary for national nuclear security administra-*
 24 *tion, \$3,822,383,000, to be allocated as follows:*

1 (i) *For directed stockpile work,*
2 \$842,603,000.

3 (ii) *For campaigns, \$1,471,982,000.*

4 (iii) *For readiness in technical base*
5 *and facilities, \$1,507,798,000.*

6 (B) *SECURE TRANSPORTATION ASSETS.—*
7 *For secure transportation assets in carrying out*
8 *weapons activities necessary for national nuclear*
9 *security administration, \$115,673,000, to be al-*
10 *located as follows:*

11 (i) *For operation and maintenance,*
12 \$79,357,000.

13 (ii) *For program direction (secure*
14 *transportation), \$36,316,000.*

15 (C) *PROGRAM DIRECTION.—For program*
16 *direction in carrying out weapons activities nec-*
17 *essary for national nuclear security administra-*
18 *tion, \$221,257,000.*

19 (D) *CONSTRUCTION.—For construction (in-*
20 *cluding maintenance, restoration, planning, con-*
21 *struction, acquisition, modification of facilities,*
22 *and the continuation of projects authorized in*
23 *prior years, and land acquisition related thereto)*
24 *in carrying out weapons activities necessary for*

1 *national nuclear security administration,*
2 *\$588,173,000, to be allocated as follows:*

3 *Project 01–D–101, distributed infor-*
4 *mation systems laboratory, Sandia Na-*
5 *tional Laboratories, Livermore, California,*
6 *\$2,300,000.*

7 *Project 01–D–103, preliminary project*
8 *design and engineering, various locations,*
9 *\$14,500,000.*

10 *Project 01–D–124, highly enriched*
11 *uranium (HEU) materials facility, Y–12*
12 *Plant, Oak Ridge, Tennessee, \$17,800,000.*

13 *Project 01–D–126, weapons evaluation*
14 *test laboratory, Pantex Plant, Amarillo,*
15 *Texas, \$3,000,000.*

16 *Project 00–D–103, terascale simulation*
17 *facility, Lawrence Livermore National Lab-*
18 *oratory, Livermore, California, \$5,000,000.*

19 *Project 00–D–105, strategic computing*
20 *complex, Los Alamos National Laboratory,*
21 *Los Alamos, New Mexico, \$56,000,000.*

22 *Project 00–D–107, joint computational*
23 *engineering laboratory, Sandia National*
24 *Laboratories, Albuquerque, New Mexico,*
25 *\$6,700,000.*

1 *Project 99–D–103, isotope sciences fa-*
2 *cilities, Lawrence Livermore National Lab-*
3 *oratory, Livermore, California, \$5,000,000.*

4 *Project 99–D–104, protection of real*
5 *property (roof reconstruction, Phase II)*
6 *Lawrence Livermore National Laboratory,*
7 *Livermore, California, \$2,800,000.*

8 *Project 99–D–106, model validation*
9 *and systems certification test center, Sandia*
10 *National Laboratories, Albuquerque, New*
11 *Mexico, \$5,200,000.*

12 *Project 99–D–108, renovate existing*
13 *roadways, Nevada Test Site, Nevada,*
14 *\$2,000,000.*

15 *Project 99–D–125, replace boilers and*
16 *controls, Kansas City Plant, Kansas City,*
17 *Missouri, \$13,000,000.*

18 *Project 99–D–127, stockpile manage-*
19 *ment restructuring initiative, Kansas City*
20 *Plant, Kansas City, Missouri, \$23,765,000.*

21 *Project 99–D–128, stockpile manage-*
22 *ment restructuring initiative, Pantex Plant*
23 *consolidation, Amarillo, Texas, \$4,998,000.*

24 *Project 99–D–132, stockpile manage-*
25 *ment restructuring initiative, nuclear mate-*

1 *rials safeguards and security upgrades*
2 *project, Los Alamos National Laboratory,*
3 *Los Alamos, New Mexico, \$18,043,000.*

4 *Project 98-D-123, stockpile manage-*
5 *ment restructuring initiative, tritium facil-*
6 *ity modernization and consolidation, Sa-*
7 *vannah River Site, Aiken, South Carolina,*
8 *\$30,767,000.*

9 *Project 98-D-125, tritium extraction*
10 *facility, Savannah River Site, Aiken, South*
11 *Carolina, \$75,000,000.*

12 *Project 98-D-126, Accelerator Produc-*
13 *tion of Tritium (APT), various locations,*
14 *\$34,000,000.*

15 *Project 97-D-102, dual-axis radio-*
16 *graphic hydrotest facility (DARHT), Los*
17 *Alamos National Laboratory, Los Alamos,*
18 *New Mexico, \$35,232,000.*

19 *Project 97-D-123, structural upgrades,*
20 *Kansas City Plant, Kansas City, Missouri,*
21 *\$2,918,000.*

22 *Project 96-D-111, national ignition*
23 *facility (NIF), Lawrence Livermore Na-*
24 *tional Laboratory, Livermore, California,*
25 *\$214,100,000.*

1 *Project 95–D–102, chemistry and met-*
 2 *allurgy research upgrades project, Los Ala-*
 3 *mos National Laboratory, Los Alamos, New*
 4 *Mexico, \$13,337,000.*

5 *Project 88–D–123, security enhance-*
 6 *ment, Pantex Plant, Amarillo, Texas,*
 7 *\$2,713,000.*

8 (2) *DEFENSE NUCLEAR NONPROLIFERATION.—*
 9 *For defense nuclear nonproliferation necessary for na-*
 10 *tional nuclear security administration, \$847,035,000,*
 11 *to be allocated as follows:*

12 (A) *NONPROLIFERATION AND VERIFICATION*
 13 *RESEARCH AND DEVELOPMENT.—For non-*
 14 *proliferation and verification research and devel-*
 15 *opment technology in carrying out defense nu-*
 16 *clear nonproliferation necessary for national nu-*
 17 *clear security administration, \$262,990,000, to*
 18 *be allocated as follows:*

19 (i) *For operation and maintenance,*
 20 *\$255,990,000.*

21 (ii) *For the following plant project (in-*
 22 *cluding maintenance, restoration, planning,*
 23 *construction, acquisition, modification of*
 24 *facilities, and the continuation of projects*
 25 *authorized in prior years, and land acquisi-*

tion related thereto), \$7,000,000, to be allocated as follows:

Project 00-D-192, nonproliferation and international security center (NISC), Los Alamos National Laboratory, Los Alamos, New Mexico, \$7,000,000.

(B) *ARMS CONTROL*.—For arms control in carrying out defense nuclear nonproliferation necessary for national nuclear security administration, \$308,060,000, to be allocated as follows:

(i) For arms control operations, \$272,870,000.

(ii) For highly enriched uranium (HEU) transparency implementation, \$15,190,000.

(iii) For international nuclear safety, \$20,000,000.

(C) *FISSILE MATERIALS DISPOSITION*.—For fissile materials disposition in carrying out defense nuclear nonproliferation necessary for national nuclear security administration, \$224,517,000, to be allocated as follows:

(i) For operation and maintenance, \$175,517,000.

1 (ii) *For plant projects (including*
2 *maintenance, restoration, planning, con-*
3 *struction, acquisition, modification of fa-*
4 *cilities, and the continuation of projects au-*
5 *thorized in prior years, and land acquisi-*
6 *tion related thereto), \$49,000,000, to be allo-*
7 *cated as follows:*

8 *Project 00–D–142, immobilization*
9 *and associated processing facility, ti-*
10 *tles I and II design, Savannah River*
11 *Site, Aiken, South Carolina,*
12 *\$3,000,000.*

13 *Project 99–D–141, pit disassembly*
14 *and conversion facility, titles I and II*
15 *design, Savannah River Site, Aiken,*
16 *South Carolina, \$20,000,000.*

17 *Project 99–D–143, mixed oxide*
18 *fuel fabrication facility, titles I and II*
19 *design, Savannah River Site, Aiken,*
20 *South Carolina, \$26,000,000.*

21 (D) *PROGRAM DIRECTION.—For program*
22 *direction in carrying out defense nuclear non-*
23 *proliferation necessary for national nuclear secu-*
24 *rity administration, \$51,468,000.*

1 (3) *NAVAL REACTORS.*—*For naval reactors ac-*
 2 *tivities necessary for national nuclear security ad-*
 3 *ministration, \$695,000,000, to be allocated as follows:*

4 (A) *NAVAL REACTORS DEVELOPMENT.*—*For*
 5 *naval reactors development in carrying out*
 6 *naval reactors activities necessary for national*
 7 *nuclear security administration, \$673,600,000,*
 8 *to be allocated as follows:*

9 (i) *For operation and maintenance,*
 10 *\$644,900,000.*

11 (ii) *For plant projects (including*
 12 *maintenance, restoration, planning, con-*
 13 *struction, acquisition, modification of fa-*
 14 *cilities, and the continuation of projects au-*
 15 *thorized in prior years, and land acquisi-*
 16 *tion related thereto), \$28,700,000, to be allo-*
 17 *cated as follows:*

18 *Project GPN-101, general plant*
 19 *projects, various locations,*
 20 *\$11,400,000.*

21 *Project 01-D-200, major office re-*
 22 *placement building, Schenectady, New*
 23 *York, \$1,300,000.*

24 *Project 90-N-102, expended core*
 25 *facility dry cell project, Naval Reactors*

1 *Facility, Idaho Falls, Idaho,*
2 *\$16,000,000.*

3 *(B) PROGRAM DIRECTION.—For program*
4 *direction in carrying out naval reactors activi-*
5 *ties necessary for national nuclear security ad-*
6 *ministration, \$21,400,000.*

7 **SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND**
8 **WASTE MANAGEMENT.**

9 *(a) IN GENERAL.—Subject to subsection (b), funds are*
10 *hereby authorized to be appropriated to the Department of*
11 *Energy for fiscal year 2001 for environmental restoration*
12 *and waste management activities in carrying out programs*
13 *necessary for national security in the amount of*
14 *\$5,651,824,000, to be allocated as follows:*

15 *(1) CLOSURE PROJECTS.—For closure projects*
16 *carried out in accordance with section 3143 of the*
17 *National Defense Authorization Act for Fiscal Year*
18 *1997 (Public Law 104–201; 110 Stat. 2836; 42*
19 *U.S.C. 7277n), \$1,082,297,000*

20 *(2) SITE/PROJECT COMPLETION.—For site com-*
21 *pletion and project completion in carrying out envi-*
22 *ronmental management activities necessary for na-*
23 *tional security programs, \$930,951,000, to be allo-*
24 *cated as follows:*

1 (A) For operation and maintenance,
2 \$861,475,000.

3 (B) For plant projects (including maintenance,
4 restoration, planning, construction, acquisition,
5 modification of facilities, and the continuation of projects
6 authorized in prior years, and land acquisition related thereto),
7 \$69,476,000, to be allocated as follows:

9 Project 01-D-402, Intec cathodic protection system expansion,
10 Idaho National Engineering and Environmental Laboratory,
11 Idaho Falls, Idaho, \$500,000.

12 Project 01-D-407, highly enriched uranium (HEU) blend down,
13 Savannah River Site, Aiken, South Carolina,
14 \$27,932,000.

15 Project 99-D-402, tank farm support services, F&H areas,
16 Savannah River Site, Aiken, South Carolina, \$7,714,000.

17 Project 99-D-404, health physics instrumentation laboratory,
18 Idaho National Engineering and Environmental Laboratory,
19 Idaho Falls, Idaho, \$4,300,000.

20 Project 98-D-453, plutonium stabilization and handling system for pluto-

1 *nium finishing plant, Richland, Wash-*
2 *ington, \$1,690,000.*

3 *Project 97–D–470, regulatory moni-*
4 *toring and bioassay laboratory, Savannah*
5 *River Site, Aiken, South Carolina,*
6 *\$3,949,000.*

7 *Project 96–D–471, chlorofluorocarbon*
8 *heating, ventilation, and air conditioning*
9 *and chiller retrofit, Savannah River Site,*
10 *Aiken, South Carolina, \$12,512,000.*

11 *Project 92–D–140, F&H canyon ex-*
12 *haust upgrades, Savannah River Site,*
13 *Aiken, South Carolina, \$8,879,000.*

14 *Project 86–D–103, decontamination*
15 *and waste treatment facility, Lawrence*
16 *Livermore National Laboratory, Livermore,*
17 *California, \$2,000,000.*

18 (3) *POST 2006 COMPLETION.—For post-2006*
19 *completion in carrying out environmental restoration*
20 *and waste management activities necessary for na-*
21 *tional security programs, \$3,178,457,000, to be allo-*
22 *cated as follows:*

23 (A) *For operation and maintenance,*
24 *\$2,683,725,000.*

1 (B) *For plant projects (including maintenance,*
2 *restoration, planning, construction, acquisition,*
3 *modification of facilities, and the continuation*
4 *of projects authorized in prior years,*
5 *and land acquisition related thereto),*
6 *\$99,732,000, to be allocated as follows:*

7 *Project 01–D–403, immobilized high-*
8 *level waste interim storage facility, Rich-*
9 *land, Washington, \$1,300,000.*

10 *Project 99–D–403, privatization phase*
11 *I infrastructure support, Richland, Wash-*
12 *ington, \$7,812,000.*

13 *Project 97–D–402, tank farm restoration*
14 *and safe operations, Richland, Wash-*
15 *ington, \$46,023,000.*

16 *Project 94–D–407, initial tank re-*
17 *trieval systems, Richland, Washington,*
18 *\$17,385,000.*

19 *Project 93–D–187, high-level waste re-*
20 *moval from filled waste tanks, Savannah*
21 *River Site, Aiken, South Carolina,*
22 *\$27,212,000.*

23 (4) *SCIENCE AND TECHNOLOGY DEVELOPMENT.—*

24 *For science and technology development in carrying*
25 *out environmental restoration and waste management*

1 *activities necessary for national security programs,*
2 *\$246,548,000.*

3 (5) *PROGRAM DIRECTION.—For program direc-*
4 *tion in carrying out environmental restoration and*
5 *waste management activities necessary for national*
6 *security programs, \$354,888,000.*

7 (b) *ADJUSTMENT.—The total amount authorized to be*
8 *appropriated by subsection (a) is the sum of the amounts*
9 *authorized to be appropriated by paragraphs (1) through*
10 *(5) of that subsection, reduced by \$216,317,000.*

11 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

12 (a) *IN GENERAL.—Subject to subsection (b), funds are*
13 *hereby authorized to be appropriated to the Department of*
14 *Energy for fiscal year 2001 for other defense activities in*
15 *carrying out programs necessary for national security in*
16 *the amount of \$536,322,000, to be allocated as follows:*

17 (1) *INTELLIGENCE.—For intelligence in carrying*
18 *out other defense activities necessary for national se-*
19 *curity programs, \$38,059,000, to be allocated as fol-*
20 *lows:*

21 (A) *For operation and maintenance,*
22 *\$36,059,000.*

23 (B) *For the following plant project (includ-*
24 *ing maintenance, restoration, planning, con-*
25 *struction, acquisition, modification of facilities,*

1 *and the continuation of projects authorized in*
2 *prior years, and land acquisition related there-*
3 *to), \$2,000,000, to be allocated as follows:*

4 *Project 01-D-800, sensitive compart-*
5 *mented information facility, Lawrence*
6 *Livermore National Laboratory, Livermore,*
7 *California, \$2,000,000.*

8 (2) *COUNTERINTELLIGENCE.—For counterintel-*
9 *ligence in carrying out other defense activities nec-*
10 *essary for national security programs, \$75,200,000.*

11 (3) *SECURITY AND EMERGENCY OPERATIONS.—*
12 *For security and emergency operations in carrying*
13 *out other defense activities necessary for national se-*
14 *curity programs, \$281,576,000, to be allocated as fol-*
15 *lows:*

16 (A) *For nuclear safeguards and security,*
17 *\$124,409,000.*

18 (B) *For security investigations,*
19 *\$33,000,000.*

20 (C) *For emergency management,*
21 *\$37,300,000.*

22 (D) *For program direction, \$86,867,000.*

23 (4) *INDEPENDENT OVERSIGHT AND PERFORM-*
24 *ANCE ASSURANCE.—For independent oversight and*
25 *performance assurance in carrying out other defense*

1 *activities necessary for national security programs,*
2 *\$14,937,000, to be allocated for program direction.*

3 (5) *ENVIRONMENT, SAFETY, AND HEALTH, DE-*
4 *FENSE.—For environment, safety, and health, defense,*
5 *in carrying out other defense activities necessary for*
6 *national security programs, \$99,050,000, to be allo-*
7 *cated as follows:*

8 (A) *For the Office of Environment, Safety,*
9 *and Health (Defense), \$76,446,000.*

10 (B) *For program direction, \$22,604,000.*

11 (6) *WORKER AND COMMUNITY TRANSITION.—For*
12 *worker and community transition in carrying out*
13 *other defense activities necessary for national security*
14 *programs, \$24,500,000, to be allocated as follows:*

15 (A) *For operation and maintenance,*
16 *\$21,500,000.*

17 (B) *For program direction, \$3,000,000.*

18 (7) *OFFICE OF HEARINGS AND APPEALS.—For*
19 *the Office of Hearings and Appeals in carrying out*
20 *other defense activities necessary for national security*
21 *programs, \$3,000,000.*

22 (b) *ADJUSTMENTS.—(1) The amount authorized to be*
23 *appropriated pursuant to subsection (a)(3)(B) is reduced*
24 *by \$20,000,000 to reflect an offset provided by user organi-*
25 *zations for security investigations.*

1 (2) *The total amount authorized to be appropriated*
 2 *by subsection (a) is the sum of the amounts authorized to*
 3 *be appropriated by paragraphs (1) through (7) of that sub-*
 4 *section, reduced by \$50,000,000.*

5 **SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-**
 6 **VATIZATION.**

7 (a) *IN GENERAL.—Funds are hereby authorized to be*
 8 *appropriated to the Department of Energy for fiscal year*
 9 *2001 for privatization initiatives in carrying out environ-*
 10 *mental restoration and waste management activities nec-*
 11 *essary for national security programs in the amount of*
 12 *\$390,092,000, to be allocated as follows:*

13 *Project 98–PVT–2, spent nuclear fuel dry stor-*
 14 *age, Idaho Falls, Idaho, \$25,092,000.*

15 *Project 97–PVT–1, tank waste remediation sys-*
 16 *tem project, phase I, Richland, Washington,*
 17 *\$300,000,000.*

18 *Project 97–PVT–2, advanced mixed waste treat-*
 19 *ment project Idaho Falls, Idaho, \$65,000,000.*

20 (b) *EXPLANATION OF ADJUSTMENT.—The amount au-*
 21 *thorized to be appropriated pursuant to subsection (a) is*
 22 *the sum of the amounts authorized to be appropriated for*
 23 *the projects in that subsection reduced by \$25,092,000 for*
 24 *use of prior year balances of funds for defense environ-*
 25 *mental management privatization.*

1 **SEC. 3105. ENERGY EMPLOYEES COMPENSATION INITIA-**
 2 **TIVE.**

3 *Funds are hereby authorized to be appropriated to the*
 4 *Department of Energy for fiscal year 2001 for an energy*
 5 *employees compensation initiative in the amount of*
 6 *\$17,000,000.*

7 **SEC. 3106. DEFENSE NUCLEAR WASTE DISPOSAL.**

8 *Funds are hereby authorized to be appropriated to the*
 9 *Department of Energy for fiscal year 2001 for payment to*
 10 *the Nuclear Waste Fund established in section 302(c) of the*
 11 *Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in*
 12 *the amount of \$112,000,000.*

13 ***Subtitle B—Recurring General***
 14 ***Provisions***

15 **SEC. 3121. REPROGRAMMING.**

16 *(a) IN GENERAL.—Until the Secretary of Energy sub-*
 17 *mits to the congressional defense committees the report re-*
 18 *ferred to in subsection (b) and a period of 30 days has*
 19 *elapsed after the date on which such committees receive the*
 20 *report, the Secretary may not use amounts appropriated*
 21 *pursuant to this title for any program—*

22 *(1) in amounts that exceed, in a fiscal year—*

23 *(A) 110 percent of the amount authorized*
 24 *for that program by this title; or*

25 *(B) \$ 1,000,000 more than the amount au-*
 26 *thorized for that program by this title; or*

1 (2) *which has not been presented to, or requested*
 2 *of, Congress.*

3 (b) *REPORT.*—(1) *The report referred to in subsection*
 4 *(a) is a report containing a full and complete statement*
 5 *of the action proposed to be taken and the facts and cir-*
 6 *cumstances relied upon in support of the proposed action.*

7 (2) *In the computation of the 30-day period under sub-*
 8 *section (a), there shall be excluded any day on which either*
 9 *House of Congress is not in session because of an adjourn-*
 10 *ment of more than 3 days to a day certain.*

11 (c) *LIMITATIONS.*—(1) *In no event may the total*
 12 *amount of funds obligated pursuant to this title exceed the*
 13 *total amount authorized to be appropriated by this title.*

14 (2) *Funds appropriated pursuant to this title may not*
 15 *be used for an item for which Congress has specifically de-*
 16 *nied funds.*

17 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

18 (a) *IN GENERAL.*—*The Secretary of Energy may carry*
 19 *out any construction project under the general plant*
 20 *projects authorized by this title if the total estimated cost*
 21 *of the construction project does not exceed \$5,000,000.*

22 (b) *REPORT TO CONGRESS.*—*If, at any time during*
 23 *the construction of any general plant project authorized by*
 24 *this title, the estimated cost of the project is revised because*
 25 *of unforeseen cost variations and the revised cost of the*

1 *project exceeds \$5,000,000, the Secretary shall immediately*
2 *furnish a report to the congressional defense committees ex-*
3 *plaining the reasons for the cost variation.*

4 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

5 *(a) IN GENERAL.—(1) Except as provided in para-*
6 *graph (2), construction on a construction project may not*
7 *be started or additional obligations incurred in connection*
8 *with the project above the total estimated cost, whenever the*
9 *current estimated cost of the construction project, author-*
10 *ized by 3101, 3102, or 3103, or which is in support of na-*
11 *tional security programs of the Department of Energy and*
12 *was authorized by any previous Act, exceeds by more than*
13 *25 percent the higher of—*

14 *(A) the amount authorized for the project; or*

15 *(B) the amount of the total estimated cost for the*
16 *project as shown in the most recent budget justifica-*
17 *tion data submitted to Congress.*

18 *(2) An action described in paragraph (1) may be taken*
19 *if—*

20 *(A) the Secretary of Energy has submitted to the*
21 *congressional defense committees a report on the ac-*
22 *tions and the circumstances making such action nec-*
23 *essary; and*

1 (B) a period of 30 days has elapsed after the
2 date on which the report is received by the commit-
3 tees.

4 (3) In the computation of the 30-day period under
5 paragraph (2), there is excluded any day on which either
6 House of Congress is not in session because of an adjourn-
7 ment of more than 3 days to a day certain.

8 (b) *EXCEPTION.*—Subsection (a) does not apply to a
9 construction project with a current estimated cost of less
10 than \$5,000,000.

11 **SEC. 3124. FUND TRANSFER AUTHORITY.**

12 (a) *TRANSFER TO OTHER FEDERAL AGENCIES.*—The
13 Secretary of Energy may transfer funds authorized to be
14 appropriated to the Department of Energy pursuant to this
15 title to other Federal agencies for the performance of work
16 for which the funds were authorized. Funds so transferred
17 may be merged with and be available for the same purposes
18 and for the same time period as the authorizations of the
19 Federal agency to which the amounts are transferred.

20 (b) *TRANSFER WITHIN DEPARTMENT OF ENERGY.*—
21 (1) Subject to paragraph (2), the Secretary of Energy may
22 transfer funds authorized to be appropriated to the Depart-
23 ment of Energy pursuant to this title between any such au-
24 thorizations. Amounts of authorizations so transferred may
25 be merged with and be available for the same purposes and

1 *for the same period as the authorization to which the*
 2 *amounts are transferred.*

3 (2) *Not more than 5 percent of any such authorization*
 4 *may be transferred between authorizations under para-*
 5 *graph (1). No such authorization may be increased or de-*
 6 *creased by more than 5 percent by a transfer under such*
 7 *paragraph.*

8 (c) *LIMITATIONS.—The authority provided by this sub-*
 9 *section to transfer authorizations—*

10 (1) *may be used only to provide funds for items*
 11 *relating to activities necessary for national security*
 12 *programs that have a higher priority than the items*
 13 *from which the funds are transferred; and*

14 (2) *may not be used to provide funds for an item*
 15 *for which Congress has specifically denied funds.*

16 (d) *NOTICE TO CONGRESS.—The Secretary of Energy*
 17 *shall promptly notify the Committees on Armed Services*
 18 *of the Senate and House of Representatives of any transfer*
 19 *of funds to or from authorizations under this title.*

20 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
 21 **TION DESIGN.**

22 (a) *REQUIREMENT OF CONCEPTUAL DESIGN.—(1)*
 23 *Subject to paragraph (2) and except as provided in para-*
 24 *graph (3), before submitting to Congress a request for funds*
 25 *for a construction project that is in support of a national*

1 security program of the Department of Energy, the Sec-
2 retary of Energy shall complete a conceptual design for that
3 project.

4 (2) If the estimated cost of completing a conceptual
5 design for a construction project exceeds \$3,000,000, the
6 Secretary shall submit to Congress a request for funds for
7 the conceptual design before submitting a request for funds
8 for the construction project.

9 (3) The requirement in paragraph (1) does not apply
10 to a request for funds—

11 (A) for a construction project the total estimated
12 cost of which is less than \$5,000,000; or

13 (B) for emergency planning, design, and con-
14 struction activities under section 3126.

15 (b) *AUTHORITY FOR CONSTRUCTION DESIGN.*—(1)
16 Within the amounts authorized by this title, the Secretary
17 of Energy may carry out construction design (including ar-
18 chitectural and engineering services) in connection with
19 any proposed construction project if the total estimated cost
20 for such design does not exceed \$600,000.

21 (2) If the total estimated cost for construction design
22 in connection with any construction project exceeds
23 \$600,000, funds for that design must be specifically author-
24 ized by law.

1 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
2 **SIGN, AND CONSTRUCTION ACTIVITIES.**

3 (a) *AUTHORITY.*—*The Secretary of Energy may use*
4 *any funds available to the Department of Energy pursuant*
5 *to an authorization in this title, including funds authorized*
6 *to be appropriated for advance planning and construction*
7 *design under sections 3101, 3102, and 3103, to perform*
8 *planning, design, and construction activities for any De-*
9 *partment of Energy national security program construction*
10 *project that, as determined by the Secretary, must proceed*
11 *expeditiously in order to protect public health and safety,*
12 *to meet the needs of national defense, or to protect property.*

13 (b) *LIMITATION.*—*The Secretary may not exercise the*
14 *authority under subsection (a) in the case of any construc-*
15 *tion project until the Secretary has submitted to the con-*
16 *gressional defense committees a report on the activities that*
17 *the Secretary intends to carry out under this section and*
18 *the circumstances making those activities necessary.*

19 (c) *SPECIFIC AUTHORITY.*—*The requirement of section*
20 *3125(b)(2) does not apply to emergency planning, design,*
21 *and construction activities conducted under this section.*

22 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
23 **RITY PROGRAMS OF THE DEPARTMENT OF**
24 **ENERGY.**

25 *Subject to the provisions of appropriation Acts and*
26 *section 3121, amounts appropriated pursuant to this title*

1 *for management and support activities and for general*
2 *plant projects are available for use, when necessary, in con-*
3 *nection with all national security programs of the Depart-*
4 *ment of Energy.*

5 **SEC. 3128. AVAILABILITY OF FUNDS.**

6 (a) *IN GENERAL.*—*Except as provided in subsection*
7 *(b), when so specified in an appropriations Act, amounts*
8 *appropriated for operation and maintenance or for plant*
9 *projects may remain available until expended.*

10 (b) *EXCEPTION FOR PROGRAM DIRECTION FUNDS.*—
11 *Amounts appropriated for program direction pursuant to*
12 *an authorization of appropriations in subtitle A shall re-*
13 *main available to be expended only until the end of fiscal*
14 *year 2003.*

15 **SEC. 3129. TRANSFER OF DEFENSE ENVIRONMENTAL MAN-**
16 **AGEMENT FUNDS.**

17 (a) *TRANSFER AUTHORITY FOR DEFENSE ENVIRON-*
18 *MENTAL MANAGEMENT FUNDS.*—*The Secretary of Energy*
19 *shall provide the manager of each field office of the Depart-*
20 *ment of Energy with the authority to transfer defense envi-*
21 *ronmental management funds from a program or project*
22 *under the jurisdiction of the office to another such program*
23 *or project.*

1 (b) *LIMITATIONS.—(1) Only one transfer may be made*
2 *to or from any program or project under subsection (a) in*
3 *a fiscal year.*

4 (2) *The amount transferred to or from a program or*
5 *project under subsection (a) may not exceed \$5,000,000 in*
6 *a fiscal year.*

7 (3) *A transfer may not be carried out by a manager*
8 *of a field office under subsection (a) unless the manager*
9 *determines that the transfer is necessary to address a risk*
10 *to health, safety, or the environment or to assure the most*
11 *efficient use of defense environmental management funds at*
12 *the field office.*

13 (4) *Funds transferred pursuant to subsection (a) may*
14 *not be used for an item for which Congress has specifically*
15 *denied funds or for a new program or project that has not*
16 *been authorized by Congress.*

17 (c) *EXEMPTION FROM REPROGRAMMING REQUIRE-*
18 *MENTS.—The requirements of section 3121 shall not apply*
19 *to transfers of funds pursuant to subsection (a).*

20 (d) *NOTIFICATION.—The Secretary, acting through the*
21 *Assistant Secretary of Energy for Environmental Manage-*
22 *ment, shall notify Congress of any transfer of funds pursu-*
23 *ant to subsection (a) not later than 30 days after such*
24 *transfer occurs.*

25 (e) *DEFINITIONS.—In this section:*

1 (1) *The term “program or project” means, with*
2 *respect to a field office of the Department of Energy,*
3 *any of the following:*

4 (A) *A program referred to or a project listed*
5 *in paragraphs (2) through (5) of section 3102(a).*

6 (B) *A program or project not described in*
7 *subparagraph (A) that is for environmental res-*
8 *toration or waste management activities nec-*
9 *essary for national security programs of the De-*
10 *partment, that is being carried out by the office,*
11 *and for which defense environmental manage-*
12 *ment funds have been authorized and appro-*
13 *priated before the date of the enactment of this*
14 *Act.*

15 (2) *The term “defense environmental manage-*
16 *ment funds” means funds appropriated to the Depart-*
17 *ment of Energy pursuant to an authorization for car-*
18 *rying out environmental restoration and waste man-*
19 *agement activities necessary for national security pro-*
20 *grams.*

21 (f) *DURATION OF AUTHORITY.—The managers of the*
22 *field offices of the Department may exercise the authority*
23 *provided under subsection (a) during the period beginning*
24 *on October 1, 2000, and ending on September 30, 2001.*

***Subtitle C—National Nuclear
Security Administration***

***SEC. 3131. TERM OF OFFICE OF PERSON FIRST APPOINTED
AS UNDER SECRETARY FOR NUCLEAR SECUR-
ITY OF THE DEPARTMENT OF ENERGY.***

(a) LENGTH OF TERM.—The term of office as Under Secretary for Nuclear Security of the Department of Energy of the person first appointed to that position shall be three years.

(b) EXCLUSIVE REASONS FOR REMOVAL.—The exclusive reasons for removal from office as Under Secretary for Nuclear Security of the person described in subsection (a) shall be inefficiency, neglect of duty, or malfeasance in office.

(c) POSITION DESCRIBED.—The position of Under Secretary for Nuclear Security of the Department of Energy referred to in this section is the position established by subsection (c) of section 202 of the Department of Energy Organization Act (42 U.S.C. 7132), as added by section 3202 of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 954)).

1 **SEC. 3132. MEMBERSHIP OF UNDER SECRETARY FOR NU-**
2 **CLEAR SECURITY ON THE JOINT NUCLEAR**
3 **WEAPONS COUNCIL.**

4 (a) *MEMBERSHIP.*—Section 179 of title 10, United
5 States Code, is amended—

6 (1) in subsection (a), by striking paragraph (3)
7 and inserting the following new paragraph (3):

8 “(3) The Under Secretary for Nuclear Security
9 of the Department of Energy.”; and

10 (2) in subsection (b)(2), by striking “the rep-
11 resentative designated under subsection (a)(3)” and
12 inserting “the Under Secretary for Nuclear Security
13 of the Department of Energy”.

14 (b) *CONFORMING AMENDMENT.*—Section 3212 of the
15 National Nuclear Security Administration Act (title XXXII
16 of the Public Law 106–65; 50 U.S.C. 2402) is amended by
17 adding at the end the following new subsection:

18 “(e) *MEMBERSHIP ON JOINT NUCLEAR WEAPONS*
19 *COUNCIL.*—The Administrator serves as a member of the
20 Joint Nuclear Weapons Council under section 179 of title
21 10, United States Code.”.

1 **SEC. 3133. SCOPE OF AUTHORITY OF SECRETARY OF EN-**
 2 **ERGY TO MODIFY ORGANIZATION OF NA-**
 3 **TIONAL NUCLEAR SECURITY ADMINISTRA-**
 4 **TION.**

5 (a) *SCOPE OF AUTHORITY.*—*Subtitle A of the National*
 6 *Nuclear Security Administration Act (title XXXII of Public*
 7 *Law 106–65; 113 Stat. 957; 50 U.S.C. 2401 et seq.) is*
 8 *amended by adding at the end the following new section:*

9 **“SEC. 3219. SCOPE OF AUTHORITY OF SECRETARY OF EN-**
 10 **ERGY TO MODIFY ORGANIZATION OF ADMIN-**
 11 **ISTRATION.**

12 “*Notwithstanding the authority granted by section 643*
 13 *of the Department of Energy Organization Act (42 U.S.C.*
 14 *7253) or any other provision of law, the Secretary of En-*
 15 *ergy may not establish, abolish, alter, consolidate, or dis-*
 16 *continue any organizational unit or component, or transfer*
 17 *any function, of the Administration, except as authorized*
 18 *by subsection (b) or (c) of section 3291.”.*

19 (b) *CONFORMING AMENDMENTS.*—*Section 643 of the*
 20 *Department of Energy Organization Act (42 U.S.C. 7253)*
 21 *is amended—*

- 22 (1) *by striking “The Secretary” and inserting*
 23 *“(a) Subject to subsection (b), the Secretary”; and*
 24 (2) *by adding at the end the following new sub-*
 25 *section:*

1 “(b) *The authority of the Secretary to establish, abol-*
 2 *ish, alter, consolidate, or discontinue any organizational*
 3 *unit or component of the National Nuclear Security Admin-*
 4 *istration is governed by the provisions of section 3219 of*
 5 *the National Nuclear Security Administration Act (title*
 6 *XXXII of Public Law 106–65).’.*”

7 **SEC. 3134. PROHIBITION ON PAY OF PERSONNEL ENGAGED**
 8 **IN CONCURRENT SERVICE OR DUTIES INSIDE**
 9 **AND OUTSIDE NATIONAL NUCLEAR SECURITY**
 10 **ADMINISTRATION.**

11 *Subtitle C of the National Nuclear Security Adminis-*
 12 *tration Act (title XXXII of Public Law 106–65; 50 U.S.C.*
 13 *2441 et seq.) is amended by adding at the end the following*
 14 *new section:*

15 **“SEC. 3245. PROHIBITION ON PAY OF PERSONNEL ENGAGED**
 16 **IN CONCURRENT SERVICE OR DUTIES INSIDE**
 17 **AND OUTSIDE ADMINISTRATION.**

18 *“Except as otherwise expressly provided by statute, no*
 19 *funds authorized to be appropriated or otherwise made*
 20 *available for the Department of Energy for any fiscal year*
 21 *after fiscal year 2000 may be obligated or utilized to pay*
 22 *the basic pay of an officer or employee of the Department*
 23 *of Energy who—*

1 “(1) serves concurrently in a position in the Ad-
 2 ministration and a position outside the Administra-
 3 tion; or

4 “(2) performs concurrently the duties of a posi-
 5 tion in the Administration and the duties of a posi-
 6 tion outside the Administration.”.

7 **SEC. 3135. ORGANIZATION PLAN FOR FIELD OFFICES OF**
 8 **THE NATIONAL NUCLEAR SECURITY ADMINIS-**
 9 **TRATION.**

10 (a) *PLAN REQUIRED.*—Not later than March 1, 2001,
 11 the Administrator of the National Nuclear Security Admin-
 12 istration shall submit to the Committees on Armed Services
 13 of the Senate and House of Representatives a plan for as-
 14 signing roles and responsibilities to and among the head-
 15 quarters and field organizational units of the National Nu-
 16 clear Security Administration.

17 (b) *PLAN ELEMENTS.*—The plan shall include the fol-
 18 lowing:

19 (1) A general description of the organizational
 20 structure of the administrative functions of the Na-
 21 tional Nuclear Security Administration under the
 22 plan, including the authorities and responsibilities to
 23 be vested in the units of the headquarters, operations
 24 offices, and area offices of the Administration.

1 (2) *A description of any downsizing, elimi-*
2 *nation, or consolidation of units of the headquarters,*
3 *operations offices, and area offices of the Administra-*
4 *tion that may be necessary to enhance the efficiency*
5 *of the Administration.*

6 (3) *A description of the modifications of staffing*
7 *levels of the headquarters, operations offices, and area*
8 *offices of the Administration, including any reduc-*
9 *tions in force, employment of additional personnel, or*
10 *realignments of personnel, that are necessary to im-*
11 *plement the plan.*

12 (4) *A schedule for the implementation of the*
13 *plan.*

14 (c) *INCLUDED FACILITIES.—The plan shall address*
15 *any administrative units in the National Nuclear Security*
16 *Administration, including units in and under the fol-*
17 *lowing:*

18 (1) *The Department of Energy Headquarters,*
19 *Washington, District of Columbia, metropolitan area.*

20 (2) *The Albuquerque Operations Office, Albu-*
21 *querque, New Mexico.*

22 (3) *The Nevada Operations Office, Las Vegas,*
23 *Nevada.*

24 (4) *The Oak Ridge Operations Office, Oak Ridge,*
25 *Tennessee.*

1 (5) *The Oakland Operations Office, Oakland,*
2 *California.*

3 (6) *The Savannah River Operations Office,*
4 *Aiken, South Carolina.*

5 (7) *The Los Alamos Area Office, Los Alamos,*
6 *New Mexico.*

7 (8) *The Kirtland Area Office, Albuquerque, New*
8 *Mexico.*

9 (9) *The Amarillo Area Office, Amarillo, Texas.*

10 (10) *The Kansas City Area Office, Kansas City,*
11 *Missouri.*

12 **SEC. 3136. FUTURE-YEARS NUCLEAR SECURITY PROGRAM.**

13 (a) *PROGRAM REQUIRED.*—(1) *The Under Secretary*
14 *for Nuclear Security of the Department of Energy shall sub-*
15 *mit to the congressional defense committees a future-years*
16 *nuclear security program (including associated annexes) for*
17 *fiscal year 2001 and the five succeeding fiscal years.*

18 (2) *The program shall reflect the estimated expendi-*
19 *tures and proposed appropriations included in the budget*
20 *for fiscal year 2001 that is submitted to Congress in 2000*
21 *under section 1105(a) of title 31, United States Code.*

22 (b) *PROGRAM DETAIL.*—*The level of detail of the pro-*
23 *gram submitted under subsection (a) shall be equivalent to*
24 *the level of detail in the Project Baseline Summary system*

1 *of the Department of Energy, if practicable, but in no event*
2 *below the following:*

3 *(1) In the case of directed stockpile work, detail*
4 *as follows:*

5 *(A) Stockpile research and development.*

6 *(B) Stockpile maintenance.*

7 *(C) Stockpile evaluation.*

8 *(D) Dismantlement and disposal.*

9 *(E) Production support.*

10 *(F) Field engineering, training, and manu-*
11 *als.*

12 *(2) In the case of campaigns, detail as follows:*

13 *(A) Primary certification.*

14 *(B) Dynamic materials properties.*

15 *(C) Advanced radiography.*

16 *(D) Secondary certification and nuclear*
17 *system margins.*

18 *(E) Enhanced surety.*

19 *(F) Weapons system engineering certifi-*
20 *cation.*

21 *(G) Certification in hostile environments.*

22 *(H) Enhanced surveillance.*

23 *(I) Advanced design and production tech-*
24 *nologies.*

1 *(J) Inertial confinement fusion (ICF) igni-*
2 *tion and high yield.*

3 *(K) Defense computing and modeling.*

4 *(L) Pit manufacturing readiness.*

5 *(M) Secondary readiness.*

6 *(N) High explosive readiness.*

7 *(O) Nonnuclear readiness.*

8 *(P) Materials readiness.*

9 *(Q) Tritium readiness.*

10 *(3) In the case of readiness in technical base and*
11 *facilities, detail as follows:*

12 *(A) Operation of facilities.*

13 *(B) Program readiness.*

14 *(C) Special projects.*

15 *(D) Materials recycle and recovery.*

16 *(E) Containers.*

17 *(F) Storage.*

18 *(4) In the case of secure transportation assets,*
19 *detail as follows:*

20 *(A) Operation and maintenance.*

21 *(B) Program direction relating to transpor-*
22 *tation.*

23 *(5) Program direction.*

24 *(6) Construction (listed by project number).*

1 (7) *In the case of safeguards and security, detail*
 2 *as follows:*

3 (A) *Operation and maintenance.*

4 (B) *Construction.*

5 (c) *DEADLINE FOR SUBMITTAL.—The future-years nu-*
 6 *clear security program required by subsection (a) shall be*
 7 *submitted not later than November 1, 2000.*

8 (d) *LIMITATION ON USE OF FUNDS PENDING SUB-*
 9 *MITTAL.—Not more than 65 percent of the funds authorized*
 10 *to be appropriated or otherwise made available for the De-*
 11 *partment of Energy for fiscal year 2001 by section*
 12 *3101(a)(1)(C) may be obligated or expended until 45 days*
 13 *after the date on which the Under Secretary of Energy for*
 14 *Nuclear Security submits to the congressional defense com-*
 15 *mittees the program required by subsection (a).*

16 **SEC. 3137. COOPERATIVE RESEARCH AND DEVELOPMENT**
 17 **OF THE NATIONAL NUCLEAR SECURITY AD-**
 18 **MINISTRATION.**

19 (a) *OBJECTIVE FOR OBLIGATION OF FUNDS.—It shall*
 20 *be an objective of the Administrator of the National Nuclear*
 21 *Security Administration to obligate funds for cooperative*
 22 *research and development agreements (as that term is de-*
 23 *fin ed in section 12(d)(1) of the Stevenson-Wydler Tech-*
 24 *nology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), or*
 25 *similar cooperative, cost-shared research partnerships with*

1 *non-Federal organizations, in a fiscal year covered by sub-*
2 *section (b) in an amount at least equal to the percentage*
3 *of the total amount appropriated for the Administration*
4 *for such fiscal year that is specified for such fiscal year*
5 *under subsection (b).*

6 *(b) FISCAL YEAR PERCENTAGES.—The percentages of*
7 *funds appropriated for the National Nuclear Security Ad-*
8 *ministration that are obligated in accordance with the ob-*
9 *jective under subsection (a) are as follows:*

10 *(1) In each of fiscal years 2001 and 2002, 0.5*
11 *percent.*

12 *(2) In any fiscal year after fiscal year 2002, the*
13 *percentage recommended by the Administrator for*
14 *each such fiscal year in the report under subsection*
15 *(c).*

16 *(c) RECOMMENDATIONS FOR PERCENTAGES IN LATER*
17 *FISCAL YEARS.—Not later than one year after the date of*
18 *the enactment of this Act, the Administrator shall submit*
19 *to the congressional defense committees a report setting*
20 *forth the Administrator's recommendations for appropriate*
21 *percentages of funds appropriated for the National Nuclear*
22 *Security Administration to be obligated for agreements de-*
23 *scribed in subsection (a) during each fiscal year covered by*
24 *the report.*

1 (d) *CONSISTENCY OF AGREEMENTS.*—Any agreement
 2 entered into under this section shall be consistent with and
 3 in support of the mission of the National Nuclear Security
 4 Administration.

5 (e) *REPORTS ON ACHIEVEMENT OF OBJECTIVE.*—(1)
 6 Not later than March 30, 2002, and each year thereafter,
 7 the Administrator shall submit to the congressional defense
 8 committees a report on whether funds of the National Nu-
 9 clear Security Administration were obligated in the fiscal
 10 year ending in the preceding year in accordance with the
 11 objective for such fiscal year under this section.

12 (2) If funds were not obligated in a fiscal year in ac-
 13 cordance with the objective under this section for such fiscal
 14 year, the report under paragraph (1) shall—

15 (A) describe the actions the Administrator pro-
 16 poses to take to ensure that the objective under this
 17 section for the current fiscal year and future fiscal
 18 years will be met; and

19 (B) include any recommendations for legislation
 20 required to achieve such actions.

21 **SEC. 3138. CONSTRUCTION OF NATIONAL NUCLEAR SECU-**
 22 **RITY ADMINISTRATION OPERATIONS OFFICE**
 23 **COMPLEX.**

24 (a) *AUTHORITY FOR DESIGN AND CONSTRUCTION.*—
 25 Subject to subsection (b), the Administrator of the National

1 *Nuclear Security Administration may provide for the de-*
2 *sign and construction of a new operations office complex*
3 *for the National Nuclear Security Administration in ac-*
4 *cordance with the feasibility study regarding such oper-*
5 *ations office complex conducted under the National Defense*
6 *Authorization Act for Fiscal Year 2000.*

7 **(b) LIMITATION.**—*The Administrator may not exercise*
8 *the authority in subsection (a) until the later of—*

9 **(1)** *30 days after the date on which the plan re-*
10 *quired by section 3135(a) is submitted to the Commit-*
11 *tees on Armed Services of the Senate and House of*
12 *Representatives under that section; or*

13 **(2)** *the date on which the Administrator certifies*
14 *to Congress that the design and construction of the*
15 *complex in accordance with the feasibility study is*
16 *consistent with the plan required by section 3135(a).*

17 **(c) BASIS OF AUTHORITY.**—*The design and construc-*
18 *tion of the operations office complex authorized by sub-*
19 *section (a) shall be carried out through one or more energy*
20 *savings performance contracts (ESPC) entered into under*
21 *this section and in accordance with the provisions of title*
22 *VIII of the National Energy Policy Conservation Act (42*
23 *U.S.C. 8287 et seq.).*

24 **(d) PAYMENT OF COSTS.**—*Amounts for payments of*
25 *costs associated with the construction of the operations office*

1 complex authorized by subsection (a) shall be derived from
 2 energy savings and ancillary operation and maintenance
 3 savings that result from the replacement of a current De-
 4 partment of Energy operations office complex (as identified
 5 in the feasibility study referred to in subsection (a)) with
 6 the operations office complex authorized by subsection (a).

7 **Subtitle D—Program Authoriza-**
 8 **tions, Restrictions, and Limita-**
 9 **tions**

10 **SEC. 3151. PROCESSING, TREATMENT, AND DISPOSITION OF**
 11 **LEGACY NUCLEAR MATERIALS.**

12 (a) *CONTINUATION.*—The Secretary of Energy shall
 13 continue operations and maintain a high state of readiness
 14 at the F-canyon and H-canyon facilities at the Savannah
 15 River Site, Aiken, South Carolina, and shall provide tech-
 16 nical staff necessary to operate and so maintain such facili-
 17 ties.

18 (b) *LIMITATION ON USE OF FUNDS FOR DECOMMISS-*
 19 *SIONING OF F-CANYON FACILITY.*—No amounts authorized
 20 to be appropriated or otherwise made available for the De-
 21 partment of Energy by this Act or any other Act may be
 22 obligated or expended for purposes of commencing the de-
 23 commissioning of the F-canyon facility at the Savannah
 24 River Site, including any studies and planning relating to
 25 such decommissioning, until the Secretary and the Defense

1 *Nuclear Facilities Safety Board jointly submit to the con-*
2 *gressional defense committees a certification as follows:*

3 (1) *That all materials present in the facility as*
4 *of the date of the certification are safely stabilized.*

5 (2) *That requirements applicable to the facility*
6 *in order to meet the future needs of the United States*
7 *for fissile materials disposition can be met fully uti-*
8 *lizing the H-canyon facility at the Savannah River*
9 *Site.*

10 (c) *PLAN FOR TRANSFER OF LONG-TERM CHEMICAL*
11 *SEPARATION ACTIVITIES.*—*Not later than February 15,*
12 *2001, the Secretary shall submit to the Committees on*
13 *Armed Services of the Senate and House of Representatives*
14 *a plan for the transfer of all long-term chemical separation*
15 *activities from the F-canyon facility to the H-canyon facil-*
16 *ity at the Savannah River Site commencing in fiscal year*
17 *2002.*

18 **SEC. 3152. FORMERLY UTILIZED SITES REMEDIAL ACTION**
19 **PROGRAM.**

20 (a) *CONTINGENT LIMITATION ON AVAILABILITY OF*
21 *FUNDS FOR CERTAIN TRAVEL EXPENSES.*—*Subject to the*
22 *provisions of this section, no funds authorized to be appro-*
23 *priated or otherwise made available for the Department of*
24 *Energy by this or any other Act may be obligated or ex-*

1 *pended for travel by the Secretary of Energy or any employ-*
 2 *ees of the Office of the Secretary of Energy.*

3 *(b) APPLICABILITY.—The prohibition in subsection (a)*
 4 *shall take effect on March 1, 2001, unless the Secretary of*
 5 *Energy makes a certification to the congressional defense*
 6 *committees before that date that the Department of Energy*
 7 *is in compliance with the requirements of section 3131 of*
 8 *the National Defense Authorization Act for Fiscal Year*
 9 *2000 (Public Law 106–65; 113 Stat. 925; 10 U.S.C. 2701*
 10 *note).*

11 *(c) TERMINATION.—If the prohibition in subsection (a)*
 12 *takes effect under subsection (b), the prohibition shall re-*
 13 *main in effect until the date on which the Secretary makes*
 14 *the certification described in subsection (b).*

15 **SEC. 3153. DEPARTMENT OF ENERGY DEFENSE NUCLEAR**
 16 **NONPROLIFERATION PROGRAMS.**

17 *(a) NUCLEAR MATERIALS PROTECTION, CONTROL,*
 18 *AND ACCOUNTING PROGRAM.—(1) Not later than January*
 19 *1, 2001, and each year thereafter, the Secretary of Energy*
 20 *shall submit to the Committees on Armed Services of the*
 21 *Senate and House of Representatives a report on the status*
 22 *of efforts during the preceding fiscal year under the Nuclear*
 23 *Materials Protection, Control, and Accounting Program of*
 24 *the Department of Energy to secure weapons-usable nuclear*

1 *materials in Russia that have been identified as being at*
2 *risk for theft or diversion.*

3 *(2) Each report under paragraph (1) shall set forth*
4 *the following:*

5 *(A) The number of buildings, including building*
6 *locations, that received complete and integrated mate-*
7 *rials protection, control, and accounting systems for*
8 *nuclear materials described in paragraph (1) during*
9 *the year covered by such report.*

10 *(B) The amounts of highly enriched uranium*
11 *and plutonium in Russia that have been secured*
12 *under systems described in subparagraph (A) as of*
13 *the date of such report.*

14 *(C) The amount of nuclear materials described*
15 *in paragraph (1) that continues to require securing*
16 *under systems described in subparagraph (A) as of*
17 *the date of such report.*

18 *(D) A plan for actions to secure the nuclear ma-*
19 *terials identified in subparagraph (C) under systems*
20 *described in subparagraph (A), including an estimate*
21 *of the cost of such actions.*

22 *(E) The amounts expended through the fiscal*
23 *year preceding the date of such report to secure nu-*
24 *clear materials described in paragraph (1) under sys-*

1 *tems described in subparagraph (A), set forth by total*
2 *amount and by amount per fiscal year.*

3 (3)(A) *No amounts authorized to be appropriated for*
4 *the Department of Energy by this Act or any other Act for*
5 *purposes of the Nuclear Materials Protection, Control, and*
6 *Accounting Program may be obligated or expended after*
7 *September 30, 2000, for any project under the program at*
8 *a nuclear weapons complex in Russia until the Secretary*
9 *submits to the Committees on Armed Services of the Senate*
10 *and House of Representatives a report on the access policy*
11 *established with respect to such project, including a certifi-*
12 *cation that the access policy has been implemented.*

13 (B) *The access policy with respect to a project under*
14 *this paragraph shall—*

15 (i) *permit appropriate determinations by United*
16 *States officials regarding security requirements, in-*
17 *cluding security upgrades, for the project; and*

18 (ii) *ensure verification by United States officials*
19 *that Department of Energy assistance at the project*
20 *is being used for the purposes intended.*

21 (b) *NUCLEAR CITIES INITIATIVE.—(1)(A) Except as*
22 *provided in subparagraph (B), no amounts authorized to*
23 *be appropriated or otherwise made available for the Depart-*
24 *ment of Energy for fiscal year 2001 for the Nuclear Cities*
25 *Initiative may be obligated or expended for purposes of pro-*

1 *viding assistance under the Initiative until 30 days after*
2 *the date on which the Secretary of Energy submits to the*
3 *Committees on Armed Services of the Senate and House of*
4 *Representatives a copy of an agreement described in sub-*
5 *paragraph (C).*

6 *(B) Subparagraph (A) shall not apply with respect to*
7 *the obligation or expenditure of funds for purposes of pro-*
8 *viding assistance under the Nuclear Cities Initiative to the*
9 *following:*

10 *(i) Not more than three nuclear cities in Russia.*

11 *(ii) Not more than two serial production facili-*
12 *ties in Russia.*

13 *(C) An agreement referred to in this subparagraph is*
14 *a written agreement between the United States Government*
15 *and the Government of the Russian Federation which pro-*
16 *vides that Russia will close some of its facilities engaged*
17 *in nuclear weapons assembly and disassembly work.*

18 *(2)(A) Of the amounts appropriated or otherwise made*
19 *available for the Department of Energy for fiscal year 2001*
20 *for the Nuclear Cities Initiative, not more than 50 percent*
21 *of such amounts may be obligated or expended for purposes*
22 *of the Initiative until the Secretary of Energy establishes*
23 *and implements project review procedures for projects under*
24 *the Initiative.*

1 (B) *The project review procedures established under*
2 *subparagraph (A) shall ensure that any scientific, technical,*
3 *or commercial project initiated under the Nuclear Cities*
4 *Initiative—*

5 (i) *shall not enhance the military or weapons of*
6 *mass destruction capabilities of Russia;*

7 (ii) *shall not result in the inadvertent transfer or*
8 *utilization of products or activities under such project*
9 *for military purposes;*

10 (iii) *shall be commercially viable; and*

11 (iv) *shall be carried out in conjunction with an*
12 *appropriate commercial, industrial, or other non-*
13 *profit entity as partner.*

14 (C) *Not later than January 1, 2001, the Secretary of*
15 *Energy shall submit to the Committees on Armed Services*
16 *of the Senate and House of Representatives a report on the*
17 *project review procedures established and implemented*
18 *under this paragraph.*

19 (3) *In this subsection, the term “Nuclear Cities Initia-*
20 *tive” means the initiative arising pursuant to the March*
21 *1998 discussion between the Vice President of the United*
22 *States and the Prime Minister of the Russian Federation*
23 *and between the Secretary of Energy of the United States*
24 *and the Minister of Atomic Energy of the Russian Federa-*
25 *tion.*

1 (c) *INTERNATIONAL NUCLEAR SECURITY PROGRAM.*—
 2 *Amounts authorized to be appropriated or otherwise made*
 3 *available by this title for the Department of Energy for fis-*
 4 *cal year 2001 for the International Nuclear Security Pro-*
 5 *gram in the former Soviet Union and Eastern Europe shall*
 6 *be available only for purposes of reactor safety upgrades*
 7 *and training relating to nuclear operator and reactor safe-*
 8 *ty.*

9 **SEC. 3154. MODIFICATION OF COUNTERINTELLIGENCE**
 10 **POLYGRAPH PROGRAM.**

11 (a) *COVERED PERSONS.*—Subsection (b) of section
 12 *3154 of the Department of Energy Facilities Safeguards,*
 13 *Security, and Counterintelligence Enhancement Act of 1999*
 14 *(subtitle D of title XXXI of Public Law 106–65; 113 Stat.*
 15 *941; 42 U.S.C. 7383h) is amended to read as follows:*

16 “(b) *COVERED PERSONS.*—(1) *Subject to paragraph*
 17 *(2), for purposes of this section, a covered person is one*
 18 *of the following:*

19 “(A) *An officer or employee of the Department.*

20 “(B) *An expert or consultant under contract to*
 21 *the Department.*

22 “(C) *An officer or employee of a contractor of the*
 23 *Department.*

24 “(D) *An individual assigned or detailed to the*
 25 *Department.*

1 “(E) *An applicant for a position in the Depart-*
2 *ment.*

3 “(2) *A person described in paragraph (1) is a covered*
4 *person for purposes of this section only if the position of*
5 *the person, or for which the person is applying, under that*
6 *paragraph is a position in one of the categories of positions*
7 *listed in section 709.4 of title 10, Code of Federal Regula-*
8 *tions.”.*

9 (b) *HIGH-RISK PROGRAMS.—Subsection (c) of that*
10 *section is amended to read as follows:*

11 “(c) *HIGH-RISK PROGRAMS.—For purposes of this sec-*
12 *tion, high-risk programs are the following:*

13 “(1) *The programs known as Special Access Pro-*
14 *grams and Personnel Security and Assurance Pro-*
15 *grams.*

16 “(2) *Any other program or position category*
17 *specified in section 709.4 of title 10, Code of Federal*
18 *Regulations.”.*

19 (c) *AUTHORITY TO WAIVE EXAMINATION REQUIRE-*
20 *MENT.—Subsection (d) of that section is amended—*

21 (1) *by inserting “(1)” before “The Secretary”;*
22 *and*

23 (2) *by adding at the end the following new para-*
24 *graphs:*

1 “(2) *Subject to paragraph (3), the Secretary may, after*
2 *consultation with appropriate security personnel, waive the*
3 *applicability of paragraph (1) to a covered person—*

4 “(A) *if—*

5 “(i) *the Secretary determines that the waiv-*
6 *er is important to the national security interests*
7 *of the United States;*

8 “(ii) *the covered person has an active secu-*
9 *rity clearance; and*

10 “(iii) *the covered person acknowledges in a*
11 *signed writing that the capacity of the covered*
12 *person to perform duties under a high-risk pro-*
13 *gram after the expiration of the waiver is condi-*
14 *tional upon meeting the requirements of para-*
15 *graph (1) within the effective period of the waiv-*
16 *er;*

17 “(B) *if another Federal agency certifies to the*
18 *Secretary that the covered person has completed suc-*
19 *cessfully a full-scope or counterintelligence-scope poly-*
20 *graph examination during the 5-year period ending*
21 *on the date of the certification; or*

22 “(C) *if the Secretary determines, after consulta-*
23 *tion with the covered person and appropriate medical*
24 *personnel, that the treatment of a medical or psycho-*

1 *logical condition of the covered person should preclude*
2 *the administration of the examination.*

3 *“(3)(A) The Secretary may not commence the exercise*
4 *of the authority under paragraph (2) to waive the applica-*
5 *bility of paragraph (1) to any covered persons until 15 days*
6 *after the date on which the Secretary submits to the appro-*
7 *priate committees of Congress a report setting forth the cri-*
8 *teria to be utilized by the Secretary for determining when*
9 *a waiver under paragraph (2)(A) is important to the na-*
10 *tional security interests of the United States. The criteria*
11 *shall include an assessment of counterintelligence risks and*
12 *programmatic impacts.*

13 *“(B) Any waiver under paragraph (2)(A) shall be ef-*
14 *fective for not more than 120 days.*

15 *“(C) Any waiver under paragraph (2)(C) shall be ef-*
16 *fective for the duration of the treatment on which such*
17 *waiver is based.*

18 *“(4) The Secretary shall submit to the appropriate*
19 *committees of Congress on a semi-annual basis a report on*
20 *any determinations made under paragraph (2)(A) during*
21 *the 6-month period ending on the date of such report. The*
22 *report shall include a national security justification for*
23 *each waiver resulting from such determinations.*

24 *“(5) In this subsection, the term ‘appropriate commit-*
25 *tees of Congress’ means the following:*

1 “(A) *The Committee on Armed Services and the*
2 *Select Committee on Intelligence of the Senate.*

3 “(B) *The Committee on Armed Services and the*
4 *Permanent Select Committee on Intelligence of the*
5 *House of Representatives.*

6 “(6) *It is the sense of Congress that the waiver author-*
7 *ity in paragraph (2) not be used by the Secretary to exempt*
8 *from the applicability of paragraph (1) any covered persons*
9 *in the highest risk categories, such as persons who have ac-*
10 *cess to the most sensitive weapons design information and*
11 *other highly sensitive programs, including special access*
12 *programs.*

13 “(7) *The authority under paragraph (2) to waive the*
14 *applicability of paragraph (1) to a covered person shall ex-*
15 *pire on September 30, 2002.”.*

16 (d) *SCOPE OF COUNTERINTELLIGENCE POLYGRAPH*
17 *EXAMINATION.—Subsection (f) of that section is amended—*

18 (1) *by inserting “terrorism,” after “sabotage,”;*
19 *and*

20 (2) *by inserting “deliberate damage to or mali-*
21 *cious misuse of a United States Government informa-*
22 *tion or defense system,” before “and”.*

1 **SEC. 3155. EMPLOYEE INCENTIVES FOR EMPLOYEES AT**
2 **CLOSURE PROJECT FACILITIES.**

3 (a) *AUTHORITY TO PROVIDE INCENTIVES.*—Notwith-
4 standing any other provision of law, the Secretary of En-
5 ergy may provide to any eligible employee of the Depart-
6 ment of Energy one or more of the incentives described in
7 subsection (d).

8 (b) *ELIGIBLE EMPLOYEES.*—An individual is an eligi-
9 ble employee of the Department of Energy for purposes of
10 this section if the individual—

11 (1) *has worked continuously at a closure facility*
12 *for at least two years;*

13 (2) *is an employee (as that term is defined in*
14 *section 2105(a) of title 5, United States Code);*

15 (3) *has a fully satisfactory or equivalent per-*
16 *formance rating during the most recent performance*
17 *period and is not subject to an adverse notice regard-*
18 *ing conduct; and*

19 (4) *meets any other requirement or condition*
20 *under subsection (d) for the incentive which is pro-*
21 *vided the employee under this section.*

22 (c) *CLOSURE FACILITY DEFINED.*—For purposes of
23 this section, the term “closure facility” means a Depart-
24 ment of Energy facility at which the Secretary is carrying
25 out a closure project selected under section 3143 of the Na-

1 *tional Defense Authorization Act for Fiscal Year 1997 (42*
2 *U.S.C. 7274n).*

3 *(d) INCENTIVES.—The incentives that the Secretary*
4 *may provide under this section are the following:*

5 *(1) The right to accumulate annual leave pro-*
6 *vided by section 6303 of title 5, United States Code,*
7 *for use in succeeding years until it totals not more*
8 *than 90 days, or not more than 720 hours based on*
9 *a standard work week, at the beginning of the first*
10 *full biweekly pay period, or corresponding period for*
11 *an employee who is not paid on the basis of biweekly*
12 *pay periods, occurring in a year, except that—*

13 *(A) any annual leave that remains unused*
14 *when an employee transfers to a position in a*
15 *department or agency of the Federal Government*
16 *shall be liquidated upon the transfer by payment*
17 *to the employee of a lump sum for leave in excess*
18 *of 30 days, or in excess of 240 hours based on*
19 *a standard work week; and*

20 *(B) upon separation from service, annual*
21 *leave accumulated under this paragraph shall be*
22 *treated as any other accumulated annual leave is*
23 *treated.*

24 *(2) The right to be paid a retention allowance in*
25 *a lump sum in compliance with paragraphs (1) and*

1 (2) of section 5754(b) of title 5, United States Code,
2 if the employee meets the requirements of section
3 5754(a) of that title, except that the retention allow-
4 ance may exceed 25 percent, but may not be more
5 than 40 percent, of the employee's rate of basic pay.

6 (3) A detail under section 3341 of title 5, United
7 States Code.

8 (4) The right to receive a voluntary separation
9 incentive payment in the amount equal to the amount
10 the employee would be entitled to receive under sec-
11 tion 5595(c) of title 5, United States Code, subject to
12 the terms, conditions, and procedures set forth in sec-
13 tion 663 of the Treasury, Postal Service, and General
14 Government Appropriations Act, 1997 (5 U.S.C. 5597
15 note), except that the date in section 663(c)(2)(D) of
16 that Act does not apply.

17 (e) AGREEMENT.—(1) An eligible employee of the De-
18 partment of Energy provided an incentive under this sec-
19 tion shall enter into an agreement with the Secretary to
20 remain employed at the closure facility at which the em-
21 ployee is employed as of the date of the agreement until
22 a specific date or for a specific period of time.

23 (2) The detail of an employee under subsection (d)(3)
24 shall not be treated as terminating the employment of the

1 *employee at a closure facility for purposes of an agreement*
2 *under paragraph (1).*

3 (f) *VIOLATION OF AGREEMENT.—(1) Except as pro-*
4 *vided under paragraph (3), an eligible employee of the De-*
5 *partment of Energy who violates an agreement under sub-*
6 *section (e), or is dismissed for cause, shall forfeit eligibility*
7 *for any incentives under this section as of the date of the*
8 *violation or dismissal, as the case may be.*

9 (2) *Except as provided under paragraph (3), an eligi-*
10 *ble employee of the Department of Energy who is paid a*
11 *retention allowance under subsection (d)(2), receives a vol-*
12 *untary separation incentive payment under subsection*
13 *(d)(4), or both, and who violates an agreement under sub-*
14 *section (e), or is dismissed for cause, before the end of the*
15 *period or date of employment agreed upon under such*
16 *agreement shall refund to the United States an amount that*
17 *bears the same ratio to the aggregate amount so paid to*
18 *or received by the employee as the unserved part of such*
19 *employment bears to the total period of employment agreed*
20 *upon under such agreement.*

21 (3) *The Secretary may waive the applicability of para-*
22 *graph (1) or (2) to an employee otherwise covered by such*
23 *paragraph if the Secretary determines that there is good*
24 *and sufficient reason for the waiver.*

1 (g) *REPORT.*—*The Secretary shall include in each re-*
 2 *port on a closure project under section 3143(h) of the Na-*
 3 *tional Defense Authorization Act for Fiscal Year 1997 a*
 4 *report on the incentives, if any, provided under this section*
 5 *with respect to the project for the period covered by such*
 6 *report.*

7 (h) *EXPIRATION OF AUTHORITY.*—*The authority to*
 8 *provide incentives under this section shall expire on Sep-*
 9 *tember 23, 2011.*

10 (i) *DETAILS.*—(1) *Section 3341 of title 5, United*
 11 *States Code, is amended to read as follows:*

12 **“§3341. Details: within and among Executive agen-**
 13 **cies; to non-Federal employers**

14 “(a) *The head of an Executive agency may detail em-*
 15 *ployees among the components of the agency, except employ-*
 16 *ees who are required by law to be engaged exclusively in*
 17 *some specific work.*

18 “(b) *The head of an Executive agency may detail to*
 19 *duties in the Executive agency or another Executive agency*
 20 *or to a non-Federal employer, on a nonreimbursable basis,*
 21 *an employee who has been identified by the Executive agen-*
 22 *cy as being, or likely to become, a surplus employee or dis-*
 23 *placed employee.*

24 “(c) *For purposes of this section:*

1 “(1) The term ‘Executive agency’ has the mean-
 2 ing given that term by section 105, but does not in-
 3 clude a Government corporation or the General Ac-
 4 counting Office.

5 “(2) The term ‘displaced employee’ means an
 6 employee who has been given specific notice that the
 7 employee is to be separated due to a reduction in
 8 force.

9 “(3) The term ‘surplus employee’ means an em-
 10 ployee who has been identified by the employing agen-
 11 cy as likely to be separated due to a reduction in
 12 force.

13 “(4) The term ‘non-Federal employer’ means an
 14 employer other than an Executive agency or any
 15 agency in the legislative or judicial branch (including
 16 Congress or any United States court).”.

17 (2) The table of sections at the beginning of chapter
 18 33 of such title is amended by striking the item relating
 19 to section 3341 and inserting the following new item:

 “3341. Details: within and among Executive agencies; to non-Federal employers.”.

20 (i) *HEALTH COVERAGE*.—Section 8905a(d)(4) of title
 21 5, United States Code, is amended by adding after subpara-
 22 graph (B) the following new subparagraph (C):

23 “(C) Notwithstanding subparagraph (B), if the basis
 24 for continued coverage under this section is a voluntary or
 25 involuntary separation from the Department of Energy by

1 *reason of a closure project under section 3143 of the Na-*
 2 *tional Defense Authorization Act for Fiscal Year 1997 (42*
 3 *U.S.C. 7274n)—*

4 “(i) *the individual shall be liable for not more*
 5 *than the employee contributions referred to in para-*
 6 *graph (1)(A)(i); and*

7 “(ii) *the Department of Energy shall pay the re-*
 8 *maining portion of the amount required is under*
 9 *paragraph (1)(A).”.*

10 **SEC. 3156. CONCEPTUAL DESIGN FOR SUBSURFACE GEO-**
 11 **SCIENCES LABORATORY AT IDAHO NATIONAL**
 12 **ENGINEERING AND ENVIRONMENTAL LAB-**
 13 **ORATORY, IDAHO FALLS, IDAHO.**

14 (a) *AUTHORIZATION.*—*Of the amounts authorized to*
 15 *be appropriated by paragraphs (2) and (3) of section*
 16 *3102(a), not more than \$400,000 shall be available to the*
 17 *Secretary of Energy for purposes of carrying out a concep-*
 18 *tual design for a Subsurface Geosciences Laboratory at*
 19 *Idaho National Engineering and Environmental Labora-*
 20 *tory, Idaho Falls, Idaho.*

21 (b) *LIMITATION.*—*None of the funds authorized to be*
 22 *appropriated by subsection (a) may be obligated until 60*
 23 *days after the Secretary submits the report required by sub-*
 24 *section (c).*

1 (c) *REPORT.*—*The Secretary of Energy shall submit*
2 *to the congressional defense committees a report on the pro-*
3 *posed Subsurface Geosciences Laboratory, including the fol-*
4 *lowing:*

5 (1) *The need to conduct mesoscale experiments to*
6 *meet long-term clean-up requirements at Department*
7 *of Energy sites.*

8 (2) *The possibility of utilizing or modifying an*
9 *existing structure or facility to house a new mesoscale*
10 *experimental capability.*

11 (3) *The estimated construction cost of the facil-*
12 *ity.*

13 (4) *The estimated annual operating cost of the*
14 *facility.*

15 (5) *How the facility will utilize, integrate, and*
16 *support the technical expertise, capabilities, and re-*
17 *quirements at other Department of Energy and non-*
18 *Department of Energy facilities.*

19 (6) *An analysis of costs, savings, and benefits*
20 *which are unique to the Idaho National Engineering*
21 *and Environmental Laboratory.*

22 **SEC. 3157. TANK WASTE REMEDIATION SYSTEM, HANFORD**
23 **RESERVATION, RICHLAND, WASHINGTON.**

24 (a) *FUNDS AVAILABLE.*—*Of the amount authorized to*
25 *be appropriated by section 3102, \$150,000,000 shall be*

1 *available to carry out an accelerated cleanup and waste*
2 *management program at the Department of Energy Han-*
3 *ford Site in Richland, Washington.*

4 *(b) REPORT.—Not later than December 15, 2000, the*
5 *Secretary of Energy shall submit to Congress a report on*
6 *the Tank Waste Remediation System Project at the Hanford*
7 *Site. The report shall include the following:*

8 *(1) A proposed plan for processing and stabi-*
9 *lizing all nuclear waste located in the Hanford Tank*
10 *Farm.*

11 *(2) A proposed schedule for carrying out the*
12 *plan.*

13 *(3) The total estimated cost of carrying out the*
14 *plan.*

15 *(4) A description of any alternative options to*
16 *the proposed plan and a description of the costs and*
17 *benefits of each such option.*

18 **SEC. 3158. REPORT ON NATIONAL IGNITION FACILITY, LAW-**
19 **RENCE LIVERMORE NATIONAL LABORATORY,**
20 **LIVERMORE, CALIFORNIA.**

21 *(a) NEW BASELINE.—(1) Not more than 50 percent*
22 *of the funds available for the national ignition facility*
23 *(Project 96–D–111) may be obligated or expended until the*
24 *Secretary of Energy submits to the Committees on Armed*
25 *Services of the Senate and House of Representatives a re-*

1 port setting forth a new baseline plan for the completion
2 of the national ignition facility.

3 (2) The report shall include a detailed, year-by-year
4 breakdown of the funding required for completion of the fa-
5 cility, as well as projected dates for the completion of pro-
6 gram milestones, including the date on which the first laser
7 beams are expected to become operational.

8 (b) COMPTROLLER GENERAL REVIEW OF NIF PRO-
9 GRAM.—(1) The Comptroller General shall conduct a thor-
10 ough review of the national ignition facility program.

11 (2) Not later than March 31, 2001, the Comptroller
12 General shall submit to the Committees on Armed Services
13 of the Senate and House of Representatives a report on the
14 review conducted under paragraph (1). The report shall
15 include—

16 (A) an analysis of—

17 (i) the relationship of the national ignition
18 facility program to other key components of the
19 Stockpile Stewardship Program; and

20 (ii) the potential impact of delays in the
21 national ignition facility program, and of a fail-
22 ure to complete key program objectives of the
23 program, on the other key components of the
24 Stockpile Stewardship Program, such as the Ad-
25 vanced Strategic Computing Initiative Program;

1 (B) a detailed description and analysis of the
2 funds spent as of the date of the report on the na-
3 tional ignition facility program; and

4 (C) an assessment whether Lawrence Livermore
5 National Laboratory has established a new baseline
6 plan for the national ignition facility program with
7 clear goals and achievable milestones for that pro-
8 gram.

9 ***Subtitle E—National Laboratories***
10 ***Partnership Improvement Act***

11 **SEC. 3161. SHORT TITLE.**

12 This subtitle may be cited as the “National Labora-
13 tories Partnership Improvement Act of 2000”.

14 **SEC. 3162. DEFINITIONS.**

15 For purposes of this subtitle—

16 (1) the term “Department” means the Depart-
17 ment of Energy;

18 (2) the term “departmental mission” means any
19 of the functions vested in the Secretary of Energy by
20 the Department of Energy Organization Act (42
21 U.S.C. 7101 et seq.) or other law;

22 (3) the term “institution of higher education”
23 has the meaning given such term in section 1201(a)
24 of the Higher Education Act of 1965 (20 U.S.C.
25 1141(a));

1 (4) the term “National Laboratory” means any
2 of the following institutions owned by the Department
3 of Energy—

4 (A) Argonne National Laboratory;

5 (B) Brookhaven National Laboratory;

6 (C) Idaho National Engineering and Envi-
7 ronmental Laboratory;

8 (D) Lawrence Berkeley National Labora-
9 tory;

10 (E) Lawrence Livermore National Labora-
11 tory;

12 (F) Los Alamos National Laboratory;

13 (G) National Renewable Energy Labora-
14 tory;

15 (H) Oak Ridge National Laboratory;

16 (I) Pacific Northwest National Laboratory;

17 or

18 (J) Sandia National Laboratory;

19 (5) the term “facility” means any of the fol-
20 lowing institutions owned by the Department of
21 Energy—

22 (A) Ames Laboratory;

23 (B) East Tennessee Technology Park;

24 (C) Environmental Measurement Labora-
25 tory;

1 (D) *Fermi National Accelerator Laboratory;*

2 (E) *Kansas City Plant;*

3 (F) *National Energy Technology Labora-*

4 *tory;*

5 (G) *Nevada Test Site;*

6 (H) *Princeton Plasma Physics Laboratory;*

7 (I) *Savannah River Technology Center;*

8 (J) *Stanford Linear Accelerator Center;*

9 (K) *Thomas Jefferson National Accelerator*
10 *Facility;*

11 (L) *Waste Isolation Pilot Plant;*

12 (M) *Y-12 facility at Oak Ridge National*
13 *Laboratory; or*

14 (N) *other similar organization of the De-*
15 *partment designated by the Secretary that en-*
16 *gages in technology transfer, partnering, or li-*
17 *censing activities;*

18 (6) *the term “nonprofit institution” has the*
19 *meaning given such term in section 4 of the Steven-*
20 *son-Wydler Technology Innovation Act of 1980 (15*
21 *U.S.C. 3703(5));*

22 (7) *the term “Secretary” means the Secretary of*
23 *Energy;*

1 (8) the term “small business concern” has the
2 meaning given such term in section 3 of the Small
3 Business Act (15 U.S.C. 632);

4 (9) the term “technology-related business con-
5 cern” means a for-profit corporation, company, asso-
6 ciation, firm, partnership, or small business concern
7 that—

8 (A) conducts scientific or engineering re-
9 search,

10 (B) develops new technologies,

11 (C) manufactures products based on new
12 technologies, or

13 (D) performs technological services;

14 (10) the term “technology cluster” means a con-
15 centration of—

16 (A) technology-related business concerns;

17 (B) institutions of higher education; or

18 (C) other nonprofit institutions;

19 that reinforce each other’s performance through for-
20 mal or informal relationships;

21 (11) the term “socially and economically dis-
22 advantaged small business concerns” has the meaning
23 given such term in section 8(a)(4) of the Small Busi-
24 ness Act (15 U.S.C. 637(a)(4)); and

1 (12) the term “NNSA” means the National Nu-
2 clear Security Administration established by title
3 XXXII of the National Defense Authorization Act for
4 Fiscal Year 2000 (Public Law 106–65).

5 **SEC. 3163. TECHNOLOGY INFRASTRUCTURE PILOT PRO-**
6 **GRAM.**

7 (a) *ESTABLISHMENT.*—The Secretary, through the ap-
8 propriate officials of the Department, shall establish a Tech-
9 nology Infrastructure Pilot Program in accordance with
10 this section.

11 (b) *PURPOSE.*—The purpose of the program shall be
12 to improve the ability of National Laboratories or facilities
13 to support departmental missions by—

14 (1) *stimulating the development of technology*
15 *clusters that can support the missions of the National*
16 *Laboratories or facilities;*

17 (2) *improving the ability of National Labora-*
18 *tories or facilities to leverage and benefit from com-*
19 *mercial research, technology, products, processes, and*
20 *services; and*

21 (3) *encouraging the exchange of scientific and*
22 *technological expertise between National Laboratories*
23 *or facilities and—*

24 (A) *institutions of higher education,*

25 (B) *technology-related business concerns,*

1 (C) nonprofit institutions, and

2 (D) agencies of State, tribal, or local gov-
3 ernments;

4 that can support the missions of the National Labora-
5 tories and facilities.

6 (c) *PILOT PROGRAM.*—In each of the first three fiscal
7 years after the date of enactment of this section, the Sec-
8 retary may provide no more than \$10,000,000, divided
9 equally, among no more than 10 National Laboratories or
10 facilities selected by the Secretary to conduct Technology In-
11 frastructure Program Pilot Programs.

12 (d) *PROJECTS.*—The Secretary shall authorize the Di-
13 rector of each National Laboratory or facility designated
14 under subsection (c) to implement the Technology Infra-
15 structure Pilot Program at such National Laboratory or fa-
16 cility through projects that meet the requirements of sub-
17 sections (e) and (f).

18 (e) *PROGRAM REQUIREMENTS.*—Each project funded
19 under this section shall meet the following requirements:

20 (1) *MINIMUM PARTICIPANTS.*—Each project shall
21 at a minimum include—

22 (A) a National Laboratory or facility; and

23 (B) one of the following entities—

24 (i) a business,

25 (ii) an institution of higher education,

- 1 (iii) a nonprofit institution, or
2 (iv) an agency of a State, local, or
3 tribal government.

4 (2) *COST SHARING*.—

5 (A) *MINIMUM AMOUNT*.—Not less than 50
6 percent of the costs of each project funded under
7 this section shall be provided from non-Federal
8 sources.

9 (B) *QUALIFIED FUNDING AND RE-*
10 *SOURCES*.—(i) The calculation of costs paid by
11 the non-Federal sources to a project shall include
12 cash, personnel, services, equipment, and other
13 resources expended on the project.

14 (ii) Independent research and development
15 expenses of Government contractors that qualify
16 for reimbursement under section 31–205–18(e) of
17 the Federal Acquisition Regulations issued pur-
18 suant to section 25(c)(1) of the Office of Federal
19 Procurement Policy Act (41 U.S.C. 421(c)(1))
20 may be credited towards costs paid by non-Fed-
21 eral sources to a project, if the expenses meet the
22 other requirements of this section.

23 (iii) No funds or other resources expended
24 either before the start of a project under this sec-
25 tion or outside the project’s scope of work shall

1 *be credited toward the costs paid by the non-Fed-*
2 *eral sources to the project.*

3 (3) *COMPETITIVE SELECTION.*—*All projects*
4 *where a party other than the Department or a Na-*
5 *tional Laboratory or facility receives funding under*
6 *this section shall, to the extent practicable, be com-*
7 *petitively selected by the National Laboratory or fa-*
8 *cility using procedures determined to be appropriate*
9 *by the Secretary or his designee.*

10 (4) *ACCOUNTING STANDARDS.*—*Any participant*
11 *receiving funding under this section, other than a Na-*
12 *tional Laboratory or facility, may use generally ac-*
13 *cepted accounting principles for maintaining ac-*
14 *counts, books, and records relating to the project.*

15 (5) *LIMITATIONS.*—*No Federal funds shall be*
16 *made available under this section for—*

17 (A) *construction; or*

18 (B) *any project for more than five years.*

19 (f) *SELECTION CRITERIA.*—

20 (1) *THRESHOLD FUNDING CRITERIA.*—*The Sec-*
21 *retary shall authorize the provision of Federal funds*
22 *for projects under this section only when the Director*
23 *of the National Laboratory or facility managing such*
24 *a project determines that the project is likely to im-*
25 *prove the participating National Laboratory or facili-*

1 *ty's ability to achieve technical success in meeting de-*
2 *partmental missions.*

3 (2) *ADDITIONAL CRITERIA.—The Secretary shall*
4 *also require the Director of the National Laboratory*
5 *or facility managing a project under this section to*
6 *consider the following criteria in selecting a project to*
7 *receive Federal funds—*

8 (A) *the potential of the project to succeed,*
9 *based on its technical merit, team members,*
10 *management approach, resources, and project*
11 *plan;*

12 (B) *the potential of the project to promote*
13 *the development of a commercially sustainable*
14 *technology cluster, one that will derive most of*
15 *the demand for its products or services from the*
16 *private sector, that can support the missions of*
17 *the participating National Laboratory or facil-*
18 *ity;*

19 (C) *the potential of the project to promote*
20 *the use of commercial research, technology, prod-*
21 *ucts, processes, and services by the participating*
22 *National Laboratory or facility to achieve its de-*
23 *partmental mission or the commercial develop-*
24 *ment of technological innovations made at the*
25 *participating National Laboratory or facility;*

1 (D) the commitment shown by non-Federal
2 organizations to the project, based primarily on
3 the nature and amount of the financial and
4 other resources they will risk on the project;

5 (E) the extent to which the project involves
6 a wide variety and number of institutions of
7 higher education, nonprofit institutions, and
8 technology-related business concerns that can
9 support the missions of the participating Na-
10 tional Laboratory or facility and that will make
11 substantive contributions to achieving the goals
12 of the project;

13 (F) the extent of participation in the project
14 by agencies of State, tribal, or local governments
15 that will make substantive contributions to
16 achieving the goals of the project; and

17 (G) the extent to which the project focuses
18 on promoting the development of technology-re-
19 lated business concerns that are small business
20 concerns or involves such small business concerns
21 substantively in the project.

22 (3) SAVINGS CLAUSE.—Nothing in this sub-
23 section shall limit the Secretary from requiring the
24 consideration of other criteria, as appropriate, in de-

1 *termining whether projects should be funded under*
2 *this section.*

3 (g) *REPORT TO CONGRESS ON FULL IMPLEMENTA-*
4 *TION.—Not later than 120 days after the start of the third*
5 *fiscal year after the date of enactment of this section, the*
6 *Secretary shall report to Congress on whether the Tech-*
7 *nology Infrastructure Program should be continued beyond*
8 *the pilot stage, and, if so, how the fully implemented pro-*
9 *gram should be managed. This report shall take into consid-*
10 *eration the results of the pilot program to date and the*
11 *views of the relevant Directors of the National laboratories*
12 *and facilities. The report shall include any proposals for*
13 *legislation considered necessary by the Secretary to fully*
14 *implement the program.*

15 **SEC. 3164. SMALL BUSINESS ADVOCACY AND ASSISTANCE.**

16 (a) *ADVOCACY FUNCTION.—The Secretary shall direct*
17 *the Director of each National Laboratory, and may direct*
18 *the Director of each facility the Secretary determines to be*
19 *appropriate, to establish a small business advocacy function*
20 *that is organizationally independent of the procurement*
21 *function at the National Laboratory or facility. The person*
22 *or office vested with the small business advocacy function*
23 *shall—*

24 (1) *work to increase the participation of small*
25 *business concerns, including socially and economi-*

1 *cally disadvantaged small business concerns, in pro-*
2 *curements, collaborative research, technology licens-*
3 *ing, and technology transfer activities conducted by*
4 *the National Laboratory or facility;*

5 *(2) report to the Director of the National Lab-*
6 *oratory or facility on the actual participation of*
7 *small business concerns in procurements and collabo-*
8 *rative research along with recommendations, if appro-*
9 *priate, on how to improve participation;*

10 *(3) make available to small business concerns*
11 *training, mentoring, and clear, up-to-date informa-*
12 *tion on how to participate in the procurements and*
13 *collaborative research, including how to submit effec-*
14 *tive proposals;*

15 *(4) increase the awareness inside the National*
16 *Laboratory or facility of the capabilities and opportu-*
17 *nities presented by small business concerns; and*

18 *(5) establish guidelines for the program under*
19 *subsection (b) and report on the effectiveness of such*
20 *program to the Director of the National Laboratory*
21 *or facility.*

22 *(b) ESTABLISHMENT OF SMALL BUSINESS ASSIST-*
23 *ANCE PROGRAM.—The Secretary shall direct the Director*
24 *of each National Laboratory, and may direct the Director*

1 *of each facility the Secretary determines to be appropriate,*
 2 *to establish a program to provide small business concerns—*

3 *(1) assistance directed at making them more ef-*
 4 *fective and efficient subcontractors or suppliers to the*
 5 *National Laboratory or facility; or*

6 *(2) general technical assistance, the cost of which*
 7 *shall not exceed \$10,000 per instance of assistance, to*
 8 *improve the small business concern's products or serv-*
 9 *ices.*

10 *(c) USE OF FUNDS.—None of the funds expended*
 11 *under subsection (b) may be used for direct grants to the*
 12 *small business concerns.*

13 **SEC. 3165. TECHNOLOGY PARTNERSHIPS OMBUDSMAN.**

14 *(a) APPOINTMENT OF OMBUDSMAN.—The Secretary*
 15 *shall direct the Director of each National Laboratory, and*
 16 *may direct the Director of each facility the Secretary deter-*
 17 *mines to be appropriate, to appoint a technology partner-*
 18 *ship ombudsman to hear and help resolve complaints from*
 19 *outside organizations regarding each laboratory's policies*
 20 *and actions with respect to technology partnerships (includ-*
 21 *ing cooperative research and development agreements), pat-*
 22 *ents, and technology licensing. Each ombudsman shall—*

23 *(1) be a senior official of the National Labora-*
 24 *tory or facility who is not involved in day-to-day*
 25 *technology partnerships, patents, or technology licens-*

1 *ing, or, if appointed from outside the laboratory,*
2 *function as such a senior official; and*

3 *(2) have direct access to the Director of the Na-*
4 *tional Laboratory or facility.*

5 *(b) DUTIES.—Each ombudsman shall—*

6 *(1) serve as the focal point for assisting the pub-*
7 *lic and industry in resolving complaints and disputes*
8 *with the laboratory regarding technology partner-*
9 *ships, patents, and technology licensing;*

10 *(2) promote the use of collaborative alternative*
11 *dispute resolution techniques such as mediation to fa-*
12 *cilitate the speedy and low-cost resolution of com-*
13 *plaints and disputes, when appropriate; and*

14 *(3) report, through the Director of the National*
15 *Laboratory or facility, to the Department annually*
16 *on the number and nature of complaints and disputes*
17 *raised, along with the ombudsman's assessment of*
18 *their resolution, consistent with the protection of con-*
19 *fidential and sensitive information.*

20 *(c) DUAL APPOINTMENT.—A person vested with the*
21 *small business advocacy function of section 3164 may also*
22 *serve as the technology partnership ombudsman.*

1 **SEC. 3166. STUDIES RELATED TO IMPROVING MISSION EF-**
2 **ECTIVENESS, PARTNERSHIPS, AND TECH-**
3 **NOLOGY TRANSFER AT NATIONAL LABORA-**
4 **TORIES.**

5 (a) *STUDIES.*—*The Secretary shall direct the Labora-*
6 *tory Operations Board to study and report to him, not later*
7 *than one year after the date of enactment of this section,*
8 *on the following topics—*

9 (1) *the possible benefits from and need for poli-*
10 *cies and procedures to facilitate the transfer of sci-*
11 *entific, technical, and professional personnel among*
12 *National Laboratories and facilities; and*

13 (2) *the possible benefits from and need for*
14 *changes in—*

15 (A) *the indemnification requirements for*
16 *patents or other intellectual property licensed*
17 *from a National Laboratory or facility;*

18 (B) *the royalty and fee schedules and types*
19 *of compensation that may be used for patents or*
20 *other intellectual property licensed to a small*
21 *business concern from a National Laboratory or*
22 *facility;*

23 (C) *the licensing procedures and require-*
24 *ments for patents and other intellectual property;*

25 (D) *the rights given to a small business con-*
26 *cern that has licensed a patent or other intellec-*

1 *tual property from a National Laboratory or fa-*
2 *cility to bring suit against third parties infring-*
3 *ing such intellectual property;*

4 *(E) the advance funding requirements for a*
5 *small business concern funding a project at a*
6 *National Laboratory or facility through a*
7 *Funds-In-Agreement;*

8 *(F) the intellectual property rights allocated*
9 *to a business when it is funding a project at a*
10 *National Laboratory or facility through a*
11 *Funds-In-Agreement; and*

12 *(G) policies on royalty payments to inven-*
13 *tors employed by a contractor-operated National*
14 *Laboratory or facility, including those for inven-*
15 *tions made under a Funds-In-Agreement.*

16 **(b) DEFINITION.**—*For the purposes of this section, the*
17 *term “Funds-in-Agreement” means a contract between the*
18 *Department and a non-Federal organization where that or-*
19 *ganization pays the Department to provide a service or ma-*
20 *terial not otherwise available in the domestic private sector.*

21 **(c) REPORT TO CONGRESS.**—*Not later than one month*
22 *after receiving the report under subsection (a), the Secretary*
23 *shall transmit the report, along with his recommendations*
24 *for action and proposals for legislation to implement the*
25 *recommendations, to Congress.*

1 **SEC. 3167. OTHER TRANSACTIONS AUTHORITY.**

2 (a) *NEW AUTHORITY.*—Section 646 of the Department
3 of *Energy Organization Act* (42 U.S.C. 7256) is amended
4 by adding at the end the following new subsection:

5 “(g) *OTHER TRANSACTIONS AUTHORITY.*—(1) *In ad-*
6 *dition to other authorities granted to the Secretary to enter*
7 *into procurement contracts, leases, cooperative agreements,*
8 *grants, and other similar arrangements, the Secretary may*
9 *enter into other transactions with public agencies, private*
10 *organizations, or persons on such terms as the Secretary*
11 *may deem appropriate in furtherance of basic, applied, and*
12 *advanced research functions now or hereafter vested in the*
13 *Secretary. Such other transactions shall not be subject to*
14 *the provisions of section 9 of the Federal Nonnuclear En-*
15 *ergy Research and Development Act of 1974 (42 U.S.C.*
16 *5908).*

17 “(2)(A) *The Secretary of Energy shall ensure that—*

18 “(i) *to the maximum extent practicable, no*
19 *transaction entered into under paragraph (1) pro-*
20 *vides for research that duplicates research being con-*
21 *ducted under existing programs carried out by the*
22 *Department of Energy; and*

23 “(ii) *to the extent that the Secretary determines*
24 *practicable, the funds provided by the Government*
25 *under a transaction authorized by paragraph (1) do*

1 *not exceed the total amount provided by other parties*
2 *to the transaction.*

3 “(B) *A transaction authorized by paragraph (1) may*
4 *be used for a research project when the use of a standard*
5 *contract, grant, or cooperative agreement for such project*
6 *is not feasible or appropriate.*

7 “(3)(A) *The Secretary shall not disclose any trade se-*
8 *cret or commercial or financial information submitted by*
9 *a non-Federal entity under paragraph (1) that is privileged*
10 *and confidential.*

11 “(B) *The Secretary shall not disclose, for five years*
12 *after the date the information is received, any other infor-*
13 *mation submitted by a non-Federal entity under paragraph*
14 *(1), including any proposal, proposal abstract, document*
15 *supporting a proposal, business plan, or technical informa-*
16 *tion that is privileged and confidential.*

17 “(C) *The Secretary may protect from disclosure, for*
18 *up to five years, any information developed pursuant to*
19 *a transaction under paragraph (1) that would be protected*
20 *from disclosure under section 552(b)(4) of title 5, United*
21 *States Code, if obtained from a person other than a Federal*
22 *agency.”.*

23 (b) *IMPLEMENTATION.—Not later than six months*
24 *after the date of enactment of this section, the Department*
25 *shall establish guidelines for the use of other transactions.*

1 *Other transactions shall be made available, if needed, in*
2 *order to implement projects funded under section 3163.*

3 **SEC. 3168. CONFORMANCE WITH NNSA ORGANIZATIONAL**
4 **STRUCTURE.**

5 *All actions taken by the Secretary in carrying out this*
6 *subtitle with respect to National Laboratories and facilities*
7 *that are part of the NNSA shall be through the Adminis-*
8 *trator for Nuclear Security in accordance with the require-*
9 *ments of title XXXII of the National Defense Authorization*
10 *Act for Fiscal Year 2000.*

11 **SEC. 3169. ARCTIC ENERGY.**

12 *(a) ESTABLISHMENT.—There is hereby established*
13 *within the Department of Energy an Office of Arctic En-*
14 *ergy.*

15 *(b) PURPOSE.—The purposes of the Office of Arctic*
16 *Energy are—*

17 *(1) to promote research, development and deploy-*
18 *ment of electric power technology that is cost-effective*
19 *and especially well suited to meet the needs of rural*
20 *and remote regions of the United States, especially*
21 *where permafrost is present or located nearby; and*

22 *(2) to promote research, development and deploy-*
23 *ment in such regions of—*

1 (A) enhanced oil recovery technology, in-
2 cluding heavy oil recovery, reinjection of carbon
3 and extended reach drilling technologies;

4 (B) gas-to-liquids technology and liquified
5 natural gas (including associated transportation
6 systems);

7 (C) small hydroelectric facilities, river tur-
8 bines and tidal power;

9 (D) natural gas hydrates, coal bed methane,
10 and shallow bed natural gas; and

11 (E) alternative energy, including wind, geo-
12 thermal, and fuel cells.

13 (c) *LOCATION.*—The Secretary shall locate the Office
14 of Arctic Energy at a university with special expertise and
15 unique experience in the matters specified in paragraphs
16 (1) and (2) of subsection (b).

17 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are
18 authorized to be appropriated to carry out activities under
19 this section \$1,000,000 for the first fiscal year after the date
20 of enactment of this section.

1 ***Subtitle F—Other Matters***

2 ***SEC. 3171. EXTENSION OF AUTHORITY FOR APPOINTMENT***
 3 ***OF CERTAIN SCIENTIFIC, ENGINEERING, AND***
 4 ***TECHNICAL PERSONNEL.***

5 *Section 3161(c)(1) of the National Defense Authoriza-*
 6 *tion Act for Fiscal Year 1995 (42 U.S.C. 7231 note) is*
 7 *amended by striking “September 30, 2000” and inserting*
 8 *“September 30, 2002”.*

9 ***SEC. 3172. UPDATES OF REPORT ON NUCLEAR TEST READI-***
 10 ***NESS POSTURES.***

11 *Section 3152 of the National Defense Authorization*
 12 *Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.*
 13 *623) is amended—*

14 (1) *by inserting “(a) REPORT.—” before “Not*
 15 *later than February 15, 1996,”; and*

16 (2) *by adding at the end the following:*

17 “(b) *BIENNIAL UPDATES OF REPORT.—(1) The Sec-*
 18 *retary shall submit to the congressional defense committees*
 19 *an update of the report required under (a) not later than*
 20 *February 15, 2001, and every two years thereafter.*

21 “(2) *Each update under paragraph (1) shall include,*
 22 *current as of the date of such update, the following:*

23 “(A) *A list and description of the workforce skills*
 24 *and capabilities that are essential to carry out under-*
 25 *ground nuclear tests at the Nevada Test Site.*

1 “(B) *A list and description of the infrastructure*
 2 *and physical plant that are essential to carry out un-*
 3 *derground nuclear tests at the Nevada Test Site.*

4 “(C) *A description of the readiness status of the*
 5 *skills and capabilities described in subparagraph (A)*
 6 *and of the infrastructure and physical plant described*
 7 *in subparagraph (B).*

8 “(3) *Each update under paragraph (1) shall be sub-*
 9 *mitted in unclassified form, but may include a classified*
 10 *annex.”.*

11 **SEC. 3173. FREQUENCY OF REPORTS ON INADVERTENT RE-**
 12 **LEASES OF RESTRICTED DATA AND FOR-**
 13 **MERLY RESTRICTED DATA.**

14 (a) *FREQUENCY OF REPORTS.*—Section 3161(f)(2) of
 15 *the Strom Thurmond National Defense Authorization Act*
 16 *for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2261;*
 17 *50 U.S.C. 435 note) is amended to read as follows:*

18 “(2) *The Secretary of Energy shall, on a quarterly*
 19 *basis, notify the committees and Assistant to the President*
 20 *specified in subsection (d) of inadvertent releases described*
 21 *in paragraph (1) that are discovered after the date of the*
 22 *enactment of this Act.”.*

23 (b) *EFFECTIVE DATE.*—The amendment made by sub-
 24 *section (a) shall take effect on the date of the enactment*
 25 *of this Act and shall apply with respect to inadvertent re-*

1 *leases of Restricted Data and Formerly Restricted Data*
2 *that are discovered on or after that date.*

3 **SEC. 3174. FORM OF CERTIFICATIONS REGARDING THE**
4 **SAFETY OR RELIABILITY OF THE NUCLEAR**
5 **WEAPONS STOCKPILE.**

6 *Any certification submitted to the President by the*
7 *Secretary of Defense or the Secretary of Energy regarding*
8 *confidence in the safety or reliability of a nuclear weapon*
9 *type in the United States nuclear weapons stockpile shall*
10 *be submitted in classified form only.*

11 **SEC. 3175. ENGINEERING AND MANUFACTURING RE-**
12 **SEARCH, DEVELOPMENT, AND DEMONSTRA-**
13 **TION BY PLANT MANAGERS OF CERTAIN NU-**
14 **CLEAR WEAPONS PRODUCTION PLANTS.**

15 *(a) AUTHORITY.—The Secretary of Energy may au-*
16 *thorize the plant manager of a covered nuclear weapons*
17 *production plant to engage in research, development, and*
18 *demonstration activities with respect to the engineering and*
19 *manufacturing capabilities at such plant in order to main-*
20 *tain and enhance such capabilities at such plant.*

21 *(b) FUNDING.—Of the amount allocated by the Sec-*
22 *retary to a covered nuclear weapons production plant each*
23 *fiscal year from amounts available to the Department of*
24 *Energy for such fiscal year for national security programs,*

1 *not more than an amount equal to 2 percent of such amount*
 2 *may be used for activities authorized under subsection (a).*

3 (c) *COVERED NUCLEAR WEAPONS PRODUCTION*
 4 *PLANTS.—For purposes of this section, the term “covered*
 5 *nuclear weapons production plant” means the following:*

6 (1) *The Kansas City Plant, Kansas City, Mis-*
 7 *souri.*

8 (2) *The Y-12 Plant, Oak Ridge, Tennessee.*

9 (3) *The Pantex Plant, Amarillo, Texas.*

10 **SEC. 3176. COOPERATIVE RESEARCH AND DEVELOPMENT**
 11 **AGREEMENTS FOR GOVERNMENT-OWNED,**
 12 **CONTRACTOR-OPERATED LABORATORIES.**

13 (a) *STRATEGIC PLANS.—Subsection (a) of section 12*
 14 *of the Stevenson-Wydler Technology Innovation Act of 1980*
 15 *(15 U.S.C. 3710a) is amended by striking “joint work state-*
 16 *ment,” and inserting “joint work statement or, if permitted*
 17 *by the agency, in an agency-approved annual strategic*
 18 *plan,”.*

19 (b) *EXPERIMENTAL FEDERAL WAIVERS.—Subsection*
 20 *(b) of that section is amended by adding at the end the*
 21 *following new paragraph:*

22 “(6)(A) *In the case of a Department of Energy labora-*
 23 *tory, a designated official of the Department of Energy may*
 24 *waive any license retained by the Government under para-*
 25 *graph (1)(A), (2), or (3)(D), in whole or in part and ac-*

1 cording to negotiated terms and conditions, if the des-
 2 ignated official finds that the retention of the license by the
 3 Department of Energy would substantially inhibit the com-
 4 mercialization of an invention that would otherwise serve
 5 an important Federal mission.

6 “(B) The authority to grant a waiver under subpara-
 7 graph (A) shall expire on the date that is 5 years after the
 8 date of the enactment of the National Defense Authorization
 9 Act for Fiscal Year 2001.

10 “(C) The expiration under subparagraph (B) of au-
 11 thority to grant a waiver under subparagraph (A) shall not
 12 effect any waiver granted under subparagraph (A) before
 13 the expiration of such authority.”.

14 (c) *TIME REQUIRED FOR APPROVAL.*—Subsection
 15 (c)(5) of that section is amended—

16 (1) by striking subparagraph (C);

17 (2) by redesignating subparagraph (D) as sub-
 18 paragraph (C); and

19 (3) in subparagraph (C), as so redesignated—

20 (A) in clause (i)—

21 (i) by striking “with a small business
 22 firm”; and

23 (ii) by inserting “if” after “statement”;

24 and

1 (B) by adding at the end the following new
2 clauses:

3 “(iv) Any agency that has contracted with a non-Fed-
4 eral entity to operate a laboratory may develop and provide
5 to such laboratory one or more model cooperative research
6 and development agreements for purposes of standardizing
7 practices and procedures, resolving common legal issues,
8 and enabling review of cooperative research and develop-
9 ment agreements to be carried out in a routine and prompt
10 manner.

11 “(v) A Federal agency may waive the requirements of
12 clause (i) or (ii) under such circumstances as the agency
13 considers appropriate.”.

14 **SEC. 3177. COMMENDATION OF DEPARTMENT OF ENERGY**
15 **AND CONTRACTOR EMPLOYEES FOR EXEM-**
16 **PLARY SERVICE IN STOCKPILE STEWARDSHIP**
17 **AND SECURITY.**

18 (a) *AUTHORITY TO PRESENT CERTIFICATE OF COM-*
19 *MENDATION.*—The Secretary of Energy may present a cer-
20 tificate of commendation to any current or former employee
21 of the Department of Energy, and any current or former
22 employee of a Department contractor, whose service to the
23 Department in matters relating to stockpile stewardship
24 and security assisted the Department in furthering the na-
25 tional security interests of the United States.

1 (b) *CERTIFICATE.*—*The certificate of commendation*
 2 *presented to a current or former employee under subsection*
 3 *(a) shall include an appropriate citation of the service of*
 4 *the current or former employee described in that subsection,*
 5 *including a citation for dedication, intellect, and sacrifice*
 6 *in furthering the national security interests of the United*
 7 *States by maintaining a strong, safe, and viable United*
 8 *States nuclear deterrent during the Cold War or thereafter.*

9 (c) *DEPARTMENT OF ENERGY DEFINED.*—*For pur-*
 10 *poses of this section, the term “Department of Energy” in-*
 11 *cludes any predecessor agency of the Department of Energy.*

12 **SEC. 3178. ADJUSTMENT OF THRESHOLD REQUIREMENT**
 13 **FOR SUBMISSION OF REPORTS ON ADVANCED**
 14 **COMPUTER SALES TO TIER III FOREIGN**
 15 **COUNTRIES.**

16 *Section 3157 of the National Defense Authorization*
 17 *Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.*
 18 *2045) is amended by adding at the end the following:*

19 “(e) *ADJUSTMENT OF PERFORMANCE LEVELS.*—*When-*
 20 *ever a new composite theoretical performance level is estab-*
 21 *lished under section 1211(d), that level shall apply for pur-*
 22 *poses of subsection (a) of this section in lieu of the level*
 23 *set forth in subsection (a).”.*

1 ***Subtitle G—Russian Nuclear***
2 ***Complex Conversion***

3 **SEC. 3191. SHORT TITLE.**

4 *This subtitle may be cited as the “Russian Nuclear*
5 *Weapons Complex Conversion Act of 2000”.*

6 **SEC. 3192. FINDINGS.**

7 *Congress makes the following findings:*

8 (1) *The Russian nuclear weapons complex has*
9 *begun closure and complete reconfiguration of certain*
10 *weapons complex plants and productions lines. How-*
11 *ever, this work is at an early stage. The major im-*
12 *pediments to downsizing have been economic and so-*
13 *cial conditions in Russia. Little information about*
14 *this complex is shared, and 10 of its most sensitive*
15 *cities remain closed. These cities house 750,000 people*
16 *and employ approximately 150,000 people in nuclear*
17 *military facilities. Although the Russian Federation*
18 *Ministry of Atomic Energy has announced the need*
19 *to significantly downsize its workforce, perhaps by as*
20 *much as 50 percent, it has been very slow in accom-*
21 *plishing this goal. Information on the extent of any*
22 *progress is very closely held.*

23 (2) *The United States, on the other hand, has*
24 *significantly downsized its nuclear weapons complex*
25 *in an open and transparent manner. As a result, an*

1 *enormous asymmetry now exists between the United*
2 *States and Russia in nuclear weapon production ca-*
3 *pacities and in transparency of such capacities. It is*
4 *in the national security interest of the United States*
5 *to assist the Russian Federation in accomplishing*
6 *significant reductions in its nuclear military complex*
7 *and in helping it to protect its nuclear weapons, nu-*
8 *clear materials, and nuclear secrets during such re-*
9 *ductions. Such assistance will accomplish critical*
10 *nonproliferation objectives and provide essential sup-*
11 *port towards future arms reduction agreements. The*
12 *Russian Federation's program to close and recon-*
13 *figure weapons complex plants and production lines*
14 *will address, if it is implemented in a significant and*
15 *transparent manner, concerns about the Russian Fed-*
16 *eration's ability to quickly reconstitute its arsenal.*

17 *(3) Several current programs address portions of*
18 *the downsizing and nuclear security concerns. The*
19 *Nuclear Cities Initiative was established to assist*
20 *Russia in creating job opportunities for employees*
21 *who are not required to support realistic Russian nu-*
22 *clear security requirements. Its focus has been on cre-*
23 *ating commercial ventures that can provide self-sus-*
24 *taining jobs in three of the closed cities. The current*
25 *scope and funding of the program are not commensu-*

1 *rate with the scale of the threats to the United States*
2 *sought to be addressed by the program.*

3 *(4) To effectively address threats to United*
4 *States national security interests, progress with re-*
5 *spect to the nuclear cities must be expanded and ac-*
6 *celerated. The Nuclear Cities Initiative has laid the*
7 *groundwork for an immediate increase in investment*
8 *which offers the potential for prompt risk reduction*
9 *in the cities of Sarov, Snezhinsk, and Zheleznogorsk,*
10 *which house four key Russian nuclear facilities. Fur-*
11 *thermore, the Nuclear Cities Initiative has made con-*
12 *siderable progress with the limited funding available.*
13 *However, to gain sufficient advocacy for additional*
14 *support, the program must demonstrate—*

15 *(A) rapid progress in conversion and re-*
16 *structuring; and*

17 *(B) an ability for the United States to track*
18 *progress against verifiable milestones that sup-*
19 *port a Russian nuclear complex consistent with*
20 *their future national security requirements.*

21 *(5) Reductions in the nuclear weapons-grade*
22 *material stocks in the United States and Russia en-*
23 *hance prospects for future arms control agreements*
24 *and reduce concerns that these materials could lead to*
25 *proliferation risks. Confidence in both nations will be*

(7) *Specialists in the United States and the former Soviet Union trained in nonproliferation studies can significantly assist in the downsizing process while minimizing the threat presented by potential proliferation of weapons materials or expertise.*

23 (a) *IN GENERAL.*—*The Secretary of Energy shall, in*
24 *accordance with the provisions of this section, take appro-*

1 *priate actions to expand and enhance the activities under*
2 *the Nuclear Cities Initiative in order to—*

3 *(1) assist the Russian Federation in the*
4 *downsizing of the Russian Nuclear Complex; and*

5 *(2) coordinate the downsizing of the Russian Nu-*
6 *clear Complex under the Initiative with other United*
7 *States nonproliferation programs.*

8 *(b) ENHANCED USE OF MINATOM TECHNOLOGY AND*
9 *RESEARCH AND DEVELOPMENT SERVICES.—In carrying*
10 *out actions under this section, the Secretary of Energy shall*
11 *facilitate the enhanced use of the technology, and the re-*
12 *search and development services, of the Russia Ministry of*
13 *Atomic Energy (MINATOM) by—*

14 *(1) fostering the commercialization of peaceful,*
15 *non-threatening advanced technologies of the Ministry*
16 *through the development of projects to commercialize*
17 *research and development services for industry and*
18 *industrial entities; and*

19 *(2) authorizing the Department of Energy, and*
20 *encouraging other departments and agencies of the*
21 *United States Government, to utilize such research*
22 *and development services for activities appropriate to*
23 *the mission of the Department, and such departments*
24 *and agencies, including activities relating to—*

1 (A) nonproliferation (including the detec-
2 tion and identification of weapons of mass de-
3 struction and verification of treaty compliance);

4 (B) global energy and environmental mat-
5 ters; and

6 (C) basic scientific research of benefit to the
7 United States.

8 (c) ACCELERATION OF NUCLEAR CITIES INITIATIVE.—

9 (1) In carrying out actions under this section, the Secretary
10 of Energy shall accelerate the Nuclear Cities Initiative by
11 implementing, as soon as practicable after the date of the
12 enactment of this Act, programs at the nuclear cities re-
13 ferred to in paragraph (2) in order to convert significant
14 portions of the activities carried out at such nuclear cities
15 from military activities to civilian activities.

16 (2) The nuclear cities referred to in this paragraph
17 are the following:

18 (A) Sarov (Arzamas–16).

19 (B) Snezhinsk (Chelyabinsk–70).

20 (C) Zheleznogorsk (Krasnoyarsk–26).

21 (3) To advance nonproliferation and arms control ob-
22 jectives, the Nuclear Cities Initiative is encouraged to begin
23 planning for accelerated conversion, commensurate with
24 available resources, in the remaining nuclear cities.

1 (4) *Before implementing a program under paragraph*
2 *(1), the Secretary shall establish appropriate, measurable*
3 *milestones for the activities to be carried out in fiscal year*
4 *2001.*

5 (d) *PLAN FOR RESTRUCTURING THE RUSSIAN NU-*
6 *CLEAR COMPLEX.—(1) The President, acting through the*
7 *Secretary of Energy, is urged to enter into negotiations*
8 *with the Russian Federation for purposes of the develop-*
9 *ment by the Russian Federation of a plan to restructure*
10 *the Russian Nuclear Complex in order to meet changes in*
11 *the national security requirements of Russia by 2010.*

12 (2) *The plan under paragraph (1) should include the*
13 *following:*

14 (A) *Mechanisms to achieve a nuclear weapons*
15 *production capacity in Russia that is consistent with*
16 *the obligations of Russia under current and future*
17 *arms control agreements.*

18 (B) *Mechanisms to increase transparency re-*
19 *garding the restructuring of the nuclear weapons com-*
20 *plex and weapons-surplus nuclear materials inven-*
21 *tories in Russia to the levels of transparency for such*
22 *matters in the United States, including the participa-*
23 *tion of Department of Energy officials with expertise*
24 *in transparency of such matters.*

1 (C) *Measurable milestones that will permit the*
2 *United States and the Russian Federation to monitor*
3 *progress under the plan.*

4 (e) *ENCOURAGEMENT OF CAREERS IN NONPROLIFERA-*
5 *TION.—(1) In carrying out actions under this section, the*
6 *Secretary of Energy shall carry out a program to encourage*
7 *students in the United States and in the Russian Federa-*
8 *tion to pursue a career in an area relating to nonprolifera-*
9 *tion.*

10 (2) *Of the amounts under subsection (f), up to*
11 *\$2,000,000 shall be available for purposes of the program*
12 *under paragraph (1).*

13 (f) *FUNDING FOR FISCAL YEAR 2001.—(1) There is*
14 *hereby authorized to be appropriated for the Department*
15 *of Energy for fiscal year 2001, \$30,000,000 for purposes*
16 *of the Nuclear Cities Initiative, including activities under*
17 *this section.*

18 (2) *The amount authorized to be appropriated by sec-*
19 *tion 101(5) for other procurement for the Army is hereby*
20 *reduced by \$12,500,000, with the amount of the reduction*
21 *to be allocated to the Close Combat Tactical Trainer.*

22 (g) *LIMITATION ON AVAILABILITY OF FUNDS FOR NU-*
23 *CLEAR CITIES INITIATIVE.—No amount in excess of*
24 *\$17,500,000 authorized to be appropriated for the Depart-*
25 *ment of Energy for fiscal year 2001 for the Nuclear Cities*

1 *Initiative may be obligated or expended for purposes of pro-*
2 *viding assistance under the Initiative until 30 days after*
3 *the date on which the Secretary of Energy submits to the*
4 *Committees on Armed Services of the Senate and House of*
5 *Representatives the following:*

6 (1) *A copy of the written agreement between the*
7 *United States Government and the Government of the*
8 *Russian Federation which provides that Russia will*
9 *close some of its facilities engaged in nuclear weapons*
10 *assembly and disassembly work within five years in*
11 *exchange for participation in the Initiative.*

12 (2) *A certification by the Secretary that—*

13 (A) *project review procedures for all projects*
14 *under the Initiative have been established and*
15 *implemented; and*

16 (B) *such procedures will ensure that any*
17 *scientific, technical, or commercial project initi-*
18 *ated under the Initiative—*

19 (i) *will not enhance the military or*
20 *weapons of mass destruction capabilities of*
21 *Russia;*

22 (ii) *will not result in the inadvertent*
23 *transfer or utilization of products or activi-*
24 *ties under such project for military pur-*
25 *poses;*

1 (iii) will be commercially viable within
2 three years of the date of the certification;
3 and

4 (iv) will be carried out in conjunction
5 with an appropriate commercial, indus-
6 trial, or other nonprofit entity as partner.

7 (3) A report setting forth the following:

8 (A) The project review procedures referred
9 to in paragraph (2)(A).

10 (B) A list of the projects under the Initia-
11 tive that have been reviewed under such project
12 review procedures.

13 (C) A description for each project listed
14 under subparagraph (B) of the purpose, life-
15 cycle, out-year budget costs, participants, com-
16 mercial viability, expected time for income gen-
17 eration, and number of Russian jobs created.

18 (h) SENSE OF CONGRESS ON FUNDING FOR FISCAL
19 YEARS AFTER FISCAL YEAR 2001.—It is the sense of Con-
20 gress that the availability of funds for the Nuclear Cities
21 Initiative in fiscal years after fiscal year 2001 should be
22 contingent upon—

23 (1) demonstrable progress in the programs car-
24 ried out under subsection (c), as determined utilizing

1 *the milestones required under paragraph (4) of that*
 2 *subsection; and*

3 *(2) the development and implementation of the*
 4 *plan required by subsection (d).*

5 **SEC. 3194. SENSE OF CONGRESS ON THE ESTABLISHMENT**
 6 **OF A NATIONAL COORDINATOR FOR NON-**
 7 **PROLIFERATION MATTERS.**

8 *It is the sense of Congress that—*

9 *(1) there should be a National Coordinator for*
 10 *Nonproliferation Matters to coordinate—*

11 *(A) the Nuclear Cities Initiative;*

12 *(B) the Initiatives for Proliferation Preven-*
 13 *tion program;*

14 *(C) the Cooperative Threat Reduction pro-*
 15 *grams;*

16 *(D) the materials protection, control, and*
 17 *accounting programs; and*

18 *(E) the International Science and Tech-*
 19 *nology Center; and*

20 *(2) the position of National Coordinator for Non-*
 21 *proliferation Matters should be similar, regarding*
 22 *nonproliferation matters, to the position filled by des-*
 23 *ignation of the President under section 1441(a) of the*
 24 *Defense Against Weapons of Mass Destruction Act of*

1 1996 (title XIV of Public Law 104–201; 110 Stat.
2 2727; 50 U.S.C. 2351(a)).

3 **SEC. 3195. DEFINITIONS.**

4 *In this subtitle:*

5 (1) *NUCLEAR CITY*.—The term “nuclear city”
6 *means any of the closed nuclear cities within the com-*
7 *plex of the Russia Ministry of Atomic Energy*
8 *(MINATOM) as follows:*

9 (A) *Sarov (Arzamas–16).*

10 (B) *Zarechnyy (Penza–19).*

11 (C) *Novoural’sk (Sverdlovsk–44).*

12 (D) *Lesnoy (Sverdlovsk–45).*

13 (E) *Ozersk (Chelyabinsk–65).*

14 (F) *Snezhinsk (Chelyabinsk–70).*

15 (G) *Trechgornyy (Zlatoust–36).*

16 (H) *Seversk (Tomsk–7).*

17 (I) *Zhelenznogorsk (Krasnoyarsk–26).*

18 (J) *Zelenogorsk (Krasnoyarsk–45).*

19 (2) *RUSSIAN NUCLEAR COMPLEX*.—The term
20 *“Russian Nuclear Complex” refers to all of the nu-*
21 *clear cities.*

1 **TITLE XXXII—DEFENSE NU-**
 2 **CLEAR FACILITIES SAFETY**
 3 **BOARD**

4 **SEC. 3201. DEFENSE NUCLEAR FACILITIES SAFETY BOARD.**

5 *There are authorized to be appropriated for fiscal year*
 6 *2001, \$18,500,000 for the operation of the Defense Nuclear*
 7 *Facilities Safety Board under chapter 21 of the Atomic En-*
 8 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

9 **TITLE XXXIII—NAVAL**
 10 **PETROLEUM RESERVES**

11 **SEC. 3301. MINIMUM PRICE OF PETROLEUM SOLD FROM**
 12 **THE NAVAL PETROLEUM RESERVES.**

13 *(a) HIGHER MINIMUM PRICE.—Subparagraph (A) of*
 14 *section 7430(b)(2) of title 10, United States Code, is amend-*
 15 *ed by striking “90 percent of”.*

16 *(b) INAPPLICABILITY OF REQUIREMENT TO RESERVE*
 17 *NUMBERED 1.—Such section 7430(b)(2) is further amended*
 18 *by striking “Naval Petroleum Reserves Numbered 1, 2, and*
 19 *3” in the matter preceding subparagraph (A) and inserting*
 20 *“Naval Petroleum Reserves Numbered 2 and 3”.*

21 **SEC. 3302. REPEAL OF AUTHORITY TO CONTRACT FOR CO-**
 22 **OPERATIVE OR UNIT PLANS AFFECTING**
 23 **NAVAL PETROLEUM RESERVE NUMBERED 1.**

24 *(a) REPEAL.—Section 7426 of title 10, United States*
 25 *Code, is repealed.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of chapter 641 of such title is amended by*
 3 *striking the item relating to section 7426.*

4 **SEC. 3303. LAND TRANSFER AND RESTORATION.**

5 (a) *SHORT TITLE.*—*This section may be cited as the*
 6 *“Ute-Moab Land Restoration Act”.*

7 (b) *TRANSFER OF OIL SHALE RESERVE.*—*Section*
 8 *3405 of the Strom Thurmond National Defense Authoriza-*
 9 *tion Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public*
 10 *Law 105–261) is amended to read as follows:*

11 **“SEC. 3405. TRANSFER OF OIL SHALE RESERVE NUMBERED**

12 **2.**

13 “(a) *DEFINITIONS.*—*In this section:*

14 “(1) *MAP.*—*The term “map” means the map de-*
 15 *picting the boundaries of NOSR–2, to be kept on file*
 16 *and available for public inspection in the offices of*
 17 *the Department of the Interior.*

18 “(2) *MOAB SITE.*—*The term ‘Moab site’ means*
 19 *the Moab uranium milling site located approximately*
 20 *3 miles northwest of Moab, Utah, and identified in*
 21 *the Final Environmental Impact Statement issued by*
 22 *the Nuclear Regulatory Commission in March 1996,*
 23 *in conjunction with Source Material License No. SUA*
 24 *917.*

1 “(3) *NOSR-2.*—*The term ‘NOSR-2’ means Oil*
2 *Shale Reserve Numbered 2, as identified on a map on*
3 *file in the Office of the Secretary of the Interior.*

4 “(4) *TRIBE.*—*The term ‘Tribe’ means the Ute*
5 *Indian Tribe of the Uintah and Ouray Indian Res-*
6 *ervation.*

7 “(b) *CONVEYANCE.*—

8 “(1) *IN GENERAL.*—*Except as provided in para-*
9 *graph (2), the United States conveys to the Tribe,*
10 *subject to valid existing rights in effect on the day be-*
11 *fore the date of enactment of this section, all Federal*
12 *land within the exterior boundaries of NOSR-2 in fee*
13 *simple (including surface and mineral rights).*

14 “(2) *RESERVATIONS.*—*The conveyance under*
15 *paragraph (1) shall not include the following reserva-*
16 *tions of the United States:*

17 “(A) *A 9 percent royalty interest in the*
18 *value of any oil, gas, other hydrocarbons, and all*
19 *other minerals from the conveyed land that are*
20 *produced, saved, and sold, the payments for*
21 *which shall be made by the Tribe or its designee*
22 *to the Secretary of Energy during the period*
23 *that the oil, gas, hydrocarbons, or minerals are*
24 *being produced, saved, sold, or extracted.*

1 “(B) *The portion of the bed of Green River*
2 *contained entirely within NOSR–2, as depicted*
3 *on the map.*

4 “(C) *The land (including surface and min-*
5 *eral rights) to the west of the Green River within*
6 *NOSR–2, as depicted on the map.*

7 “(D) *A ¼ mile scenic easement on the east*
8 *side of the Green River within NOSR–2.*

9 “(3) *CONDITIONS.—*

10 “(A) *MANAGEMENT AUTHORITY.—On com-*
11 *pletion of the conveyance under paragraph (1),*
12 *the United States relinquishes all management*
13 *authority over the conveyed land (including trib-*
14 *al activities conducted on the land).*

15 “(B) *NO REVERSION.—The land conveyed to*
16 *the Tribe under this subsection shall not revert*
17 *to the United States for management in trust*
18 *status.*

19 “(C) *USE OF EASEMENT.—The reservation*
20 *of the easement under paragraph (2)(D) shall*
21 *not affect the right of the Tribe to obtain, use,*
22 *and maintain access to, the Green River through*
23 *the use of the road within the easement, as de-*
24 *picted on the map.*

1 “(c) *WITHDRAWALS.*—*Each withdrawal that applies*
 2 *to NOSR-2 and that is in effect on the date of enactment*
 3 *of this section is revoked to the extent that the withdrawal*
 4 *applies to NOSR-2.*

5 “(d) *ADMINISTRATION OF RESERVED LAND AND IN-*
 6 *TERESTS IN LAND.*—

7 “(1) *IN GENERAL.*—*The Secretary of the Interior*
 8 *shall administer the land and interests in land re-*
 9 *served from conveyance under subparagraphs (B) and*
 10 *(C) of subsection (b)(2) in accordance with the Fed-*
 11 *eral Land Policy and Management Act of 1976 (43*
 12 *U.S.C. 1701 et seq.).*

13 “(2) *MANAGEMENT PLAN.*—*Not later than 3*
 14 *years after the date of enactment of this section, the*
 15 *Secretary shall submit to Congress a land use plan*
 16 *for the management of the land and interests in land*
 17 *referred to in paragraph (1).*

18 “(3) *AUTHORIZATION OF APPROPRIATIONS.*—
 19 *There are authorized to be appropriated to the Sec-*
 20 *retary such sums as are necessary to carry out this*
 21 *subsection.*

22 “(e) *ROYALTY.*—

23 “(1) *PAYMENT OF ROYALTY.*—*The royalty inter-*
 24 *est reserved from conveyance in subsection (b)(2)(A)*
 25 *that is required to be paid by the Tribe shall not in-*

1 *clude any development, production, marketing, and*
2 *operating expenses.*

3 “(2) *REPORT.*—*The Tribe shall submit to the*
4 *Secretary of Energy and to Congress an annual re-*
5 *port on resource development and other activities of*
6 *the Tribe concerning the conveyance under subsection*
7 *(b).*

8 “(3) *FINANCIAL AUDIT.*—

9 “(A) *IN GENERAL.*—*Not later than 5 years*
10 *after the date of enactment of this section, and*
11 *every 5 years thereafter, the Tribe shall obtain*
12 *an audit of all resource development activities of*
13 *the Tribe concerning the conveyance under sub-*
14 *section (b), as provided under chapter 75 of title*
15 *31, United States Code.*

16 “(B) *INCLUSION OF RESULTS.*—*The results*
17 *of each audit under this paragraph shall be in-*
18 *cluded in the next annual report submitted after*
19 *the date of completion of the audit.*

20 “(f) *RIVER MANAGEMENT.*—

21 “(1) *IN GENERAL.*—*The Tribe shall manage,*
22 *under Tribal jurisdiction and in accordance with or-*
23 *dinances adopted by the Tribe, land of the Tribe that*
24 *is adjacent to, and within 1/4 mile of, the Green River*
25 *in a manner that—*

1 “(A) maintains the protected status of the
2 land; and

3 “(B) is consistent with the government-to-
4 government agreement and in the memorandum
5 of understanding dated February 11, 2000, as
6 agreed to by the Tribe and the Secretary.

7 “(2) NO MANAGEMENT RESTRICTIONS.—An ordi-
8 nance referred to in paragraph (1) shall not impair,
9 limit, or otherwise restrict the management and use
10 of any land that is not owned, controlled, or subject
11 to the jurisdiction of the Tribe.

12 “(3) REPEAL OR AMENDMENT.—An ordinance
13 adopted by the Tribe and referenced in the govern-
14 ment-to-government agreement may not be repealed or
15 amended without the written approval of—

16 “(A) the Tribe; and

17 “(B) the Secretary.

18 “(g) PLANT SPECIES.—

19 “(1) IN GENERAL.—In accordance with a gov-
20 ernment-to-government agreement between the Tribe
21 and the Secretary, in a manner consistent with levels
22 of legal protection in effect on the date of enactment
23 of this section, the Tribe shall protect, under ordi-
24 nances adopted by the Tribe, any plant species that
25 is—

1 “(A) listed as an endangered species or
2 threatened species under section 4 of the Endan-
3 gered Species Act of 1973 (16 U.S.C. 1533); and

4 “(B) located or found on the NOSR–2 land
5 conveyed to the Tribe.

6 “(2) TRIBAL JURISDICTION.—The protection de-
7 scribed in paragraph (1) shall be performed solely
8 under tribal jurisdiction

9 “(h) HORSES.—

10 “(1) IN GENERAL.—The Tribe shall manage, pro-
11 tect, and assert control over any horse not owned by
12 the Tribe or tribal members that is located or found
13 on the NOSR–2 land conveyed to the Tribe in a man-
14 ner that is consistent with Federal law governing the
15 management, protection, and control of horses in ef-
16 fect on the date of enactment of this section.

17 “(2) TRIBAL JURISDICTION.—The management,
18 control, and protection of horses described in para-
19 graph (1) shall be performed solely—

20 “(A) under tribal jurisdiction; and

21 “(B) in accordance with a government-to-
22 government agreement between the Tribe and the
23 Secretary.

24 “(i) REMEDIAL ACTION AT MOAB SITE.—

25 “(1) INTERIM REMEDIAL ACTION.—

1 “(A) *PLAN*.—Not later than 1 year after the
2 date of enactment of this section, the Secretary
3 of Energy shall prepare a plan for remedial ac-
4 tion, including ground water restoration, at the
5 uranium milling site near Moab, Utah, under
6 section 102(a) of the Uranium Mill Tailings Ra-
7 diation Control Act of 1978 (42 U.S.C. 7912(a)).

8 “(B) *COMMENCEMENT OF REMEDIAL AC-*
9 *TION*.—The Secretary of Energy shall commence
10 remedial action as soon as practicable after the
11 preparation of the plan.

12 “(C) *TERMINATION OF LICENSE*.—The li-
13 cense for the materials at the site issued by the
14 Nuclear Regulatory Commission shall terminate
15 1 year from the date of enactment of this section,
16 unless the Secretary of Energy determines that
17 the license may be terminated earlier.

18 “(D) *ACTIVITIES OF THE TRUSTEE OF THE*
19 *MOAB RECLAMATION TRUST*.— Until the license
20 referred to in subparagraph (C) terminates, the
21 Trustee of the Moab Reclamation Trust (referred
22 to in this paragraph as the ‘Trustee’), subject to
23 the availability of funds appropriated specifi-
24 cally for a purpose described in clauses (i)
25 through (iii) or made available by the Trustee

1 *from the Moab Reclamation Trust, may carry*
2 *out—*

3 “(i) *interim measures to reduce or*
4 *eliminate localized high ammonia con-*
5 *centrations identified by the United States*
6 *Geological Survey in a report dated March*
7 *27, 2000, in the Colorado River;*

8 “(ii) *activities to dewater the mill*
9 *tailings; and*

10 “(iii) *other activities, subject to the au-*
11 *thority of the Secretary of Energy and the*
12 *Nuclear Regulatory Commission.*

13 “(E) *TITLE; CARETAKING.—Until the date*
14 *on which the Moab site is sold under paragraph*
15 *(4), the Trustee—*

16 “(i) *shall maintain title to the site;*
17 *and*

18 “(ii) *shall act as a caretaker of the*
19 *property and in that capacity exercise*
20 *measures of physical safety consistent with*
21 *past practice, until the Secretary of Energy*
22 *relieves the Trustee of that responsibility.*

23 “(2) *LIMIT ON EXPENDITURES.—The Secretary*
24 *shall limit the amounts expended in carrying out the*
25 *remedial action under paragraph (1) to—*

1 “(A) amounts specifically appropriated for
2 the remedial action in an Act of appropriation;
3 and

4 “(B) other amounts made available for the
5 remedial action under this subsection.

6 “(3) RETENTION OF ROYALTIES.—

7 “(A) IN GENERAL.—The Secretary of En-
8 ergy shall retain the amounts received as royal-
9 ties under subsection (e)(1).

10 “(B) AVAILABILITY.—Amounts referred to
11 in subparagraph (A) shall be available, without
12 further Act of appropriation, to carry out the re-
13 medial action under paragraph (1).

14 “(C) EXCESS AMOUNTS.—On completion of
15 the remedial action under paragraph (1), all re-
16 maining royalty amounts shall be deposited in
17 the General Fund of the Treasury.

18 “(D) EXCLUSION OF NATIONAL SECURITY
19 ACTIVITIES FUNDING.—The Secretary shall not
20 use any funds made available to the Department
21 of Energy for national security activities to
22 carry out the remedial action under paragraph
23 (1).

24 “(E) AUTHORIZATION OF APPROPRIA-
25 TIONS.—There are authorized to be appropriated

1 *to the Secretary of Energy to carry out the reme-*
2 *dial action under paragraph (1) such sums as*
3 *are necessary.*

4 “(4) *SALE OF MOAB SITE.*—

5 “(A) *IN GENERAL.*—*If the Moab site is sold*
6 *after the date on which the Secretary of Energy*
7 *completes the remedial action under paragraph*
8 *(1), the seller shall pay to the Secretary of En-*
9 *ergy, for deposit in the miscellaneous receipts ac-*
10 *count of the Treasury, the portion of the sale*
11 *price that the Secretary determines resulted from*
12 *the enhancement of the value of the Moab site*
13 *that is attributable to the completion of the reme-*
14 *dial action, as determined in accordance with*
15 *subparagraph (B).*

16 “(B) *DETERMINATION OF ENHANCED*
17 *VALUE.*—*The enhanced value of the Moab site re-*
18 *ferred to in subparagraph (A) shall be equal to*
19 *the difference between—*

20 “(i) *the fair market value of the Moab*
21 *site on the date of enactment of this section,*
22 *based on information available on that*
23 *date; and*

1 “(ii) *the fair market value of the Moab*
2 *site, as appraised on completion of the re-*
3 *medial action.*”.

4 (c) *URANIUM MILL TAILINGS.*—Section 102(a) of the
5 *Uranium Mill Tailings Radiation Control Act of 1978 (42*
6 *U.S.C. 7912(a)) is amended by inserting after paragraph*
7 *(3) the following:*

8 “(4) *DESIGNATION AS PROCESSING SITE.*—

9 “(A) *IN GENERAL.*—Notwithstanding any
10 *other provision of law, the Moab uranium mill-*
11 *ing site (referred to in this paragraph as the*
12 *‘Moab Site’) located approximately 3 miles*
13 *northwest of Moab, Utah, and identified in the*
14 *Final Environmental Impact Statement issued*
15 *by the Nuclear Regulatory Commission in March*
16 *1996, in conjunction with Source Material Li-*
17 *cence No. SUA 917, is designated as a processing*
18 *site.*

19 “(B) *APPLICABILITY.*—This title applies to
20 *the Moab Site in the same manner and to the*
21 *same extent as to other processing sites des-*
22 *ignated under this subsection, except that—*

23 “(i) *sections 103, 107(a), 112(a), and*
24 *115(a) of this title shall not apply;*

1 “(ii) a reference in this title to the date
2 of the enactment of this Act shall be treated
3 as a reference to the date of enactment of
4 this paragraph; and

5 “(iii) the Secretary, subject to the
6 availability of appropriations and without
7 regard to section 104(b), shall conduct reme-
8 diation at the Moab site in a safe and envi-
9 ronmentally sound manner, including—

10 “(I) ground water restoration;
11 and

12 “(II) the removal, to at a site in
13 the State of Utah, for permanent dis-
14 position and any necessary stabiliza-
15 tion, of residual radioactive material
16 and other contaminated material from
17 the Moab Site and the floodplain of the
18 Colorado River.”.

19 (d) *CONFORMING AMENDMENT.*—Section 3406 of the
20 *Strom Thurmond National Defense Authorization Act for*
21 *Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105–*
22 *261)* is amended by inserting after subsection (e) the fol-
23 *lowing:*

1 “(f) *OIL SHALE RESERVE NUMBERED 2.*—*This section*
2 *does not apply to the transfer of Oil Shale Reserve Num-*
3 *bered 2 under section 3405.*”.

4 ***TITLE XXXIV—NATIONAL***
5 ***DEFENSE STOCKPILE***

6 ***SEC. 3401. AUTHORIZED USES OF STOCKPILE FUNDS.***

7 (a) *OBLIGATION OF STOCKPILE FUNDS.*—*During fis-*
8 *cal year 2001, the National Defense Stockpile Manager may*
9 *obligate up to \$75,000,000 of the funds in the National De-*
10 *fense Stockpile Transaction Fund established under sub-*
11 *section (a) of section 9 of the Strategic and Critical Mate-*
12 *rials Stock Piling Act (50 U.S.C. 98h) for the authorized*
13 *uses of such funds under subsection (b)(2) of such section,*
14 *including the disposal of hazardous materials that are envi-*
15 *ronmentally sensitive.*

16 (b) *ADDITIONAL OBLIGATIONS.*—*The National Defense*
17 *Stockpile Manager may obligate amounts in excess of the*
18 *amount specified in subsection (a) if the National Defense*
19 *Stockpile Manager notifies Congress that extraordinary or*
20 *emergency conditions necessitate the additional obligations.*
21 *The National Defense Stockpile Manager may make the ad-*
22 *ditional obligations described in the notification after the*
23 *end of the 45-day period beginning on the date on which*
24 *Congress receives the notification.*

1 (c) *LIMITATIONS.*—*The authorities provided by this*
 2 *section shall be subject to such limitations as may be pro-*
 3 *vided in appropriations Acts.*

4 **SEC. 3402. INCREASED RECEIPTS UNDER PRIOR DISPOSAL**
 5 **AUTHORITY.**

6 *Section 3303(a) of the Strom Thurmond National De-*
 7 *fense Authorization Act for Fiscal Year 1999 (Public Law*
 8 *105–261; 1112 Stat. 2263; 50 U.S.C. 98d note) is*
 9 *amended—*

10 (1) *in paragraph (2), by striking*
 11 *“\$460,000,000” and inserting “\$409,000,000”;*

12 (2) *in paragraph (3), by striking*
 13 *“\$555,000,000” and inserting “\$585,000,000”; and*

14 (3) *in paragraph (4), by striking*
 15 *“\$590,000,000” and inserting “\$620,000,000”.*

16 **SEC. 3403. DISPOSAL OF TITANIUM.**

17 (a) *DISPOSAL REQUIRED.*—*Subject to subsection (b),*
 18 *the President shall, by September 30, 2010, dispose of*
 19 *30,000 short tons of titanium contained in the National De-*
 20 *fense Stockpile so as to result in receipts to the United*
 21 *States in a total amount that is not less than \$180,000,000.*

22 (b) *MINIMIZATION OF DISRUPTION AND LOSS.*—*The*
 23 *President may not dispose of titanium under subsection (a)*
 24 *to the extent that the disposal will result in—*

1 (1) *undue disruption of the usual markets of*
2 *producers, processors, and consumers of titanium; or*

3 (2) *avoidable loss to the United States.*

4 (c) *TREATMENT OF RECEIPTS.*—*Notwithstanding sec-*
5 *tion 9 of the Strategic and Critical Materials Stock Piling*
6 *Act (50 U.S.C. 98h), funds received as a result of the dis-*
7 *posal of titanium under subsection (a) shall be applied as*
8 *follows: \$174,000,000 to defray the costs of health care ben-*
9 *efit improvements for retired military personnel; and*
10 *\$6,000,000 for transfer to the American Battle Monuments*
11 *Commission for deposit in the fund established under sec-*
12 *tion 2113 of title 36, United States Code, for the World War*
13 *II memorial authorized by section 1 of Public Law 103–*
14 *32 (107 Stat. 90).*

15 (d) *WORLD WAR II MEMORIAL.*—(1) *The amount*
16 *transferred to the American Battle Monuments Commission*
17 *under subsection (c) shall be used to complete all necessary*
18 *requirements for the design of, ground breaking for, con-*
19 *struction of, maintenance of, and dedication of the World*
20 *War II memorial. The Commission shall determine how the*
21 *amount shall be apportioned among such purposes.*

22 (2) *Any funds not necessary for the purposes set forth*
23 *in paragraph (1) shall be transferred to and deposited in*
24 *the general fund of the Treasury.*

1 (e) *RELATIONSHIP TO OTHER DISPOSAL AUTHOR-*
 2 *ITY.—The disposal authority provided in subsection (a) is*
 3 *new disposal authority and is in addition to, and shall not*
 4 *affect, any other disposal authority provided by law regard-*
 5 *ing materials in the National Defense Stockpile.*

6 **TITLE XXXV—ENERGY EMPLOY-**
 7 **EES OCCUPATIONAL ILLNESS**
 8 **COMPENSATION**

9 **SEC. 3501. SHORT TITLE.**

10 *This title may be cited as the “Energy Employees Oc-*
 11 *cupational Illness Compensation Act of 2000”.*

12 **SEC. 3502. CONSTRUCTION WITH OTHER LAWS.**

13 *References in this title to a provision of another statute*
 14 *shall be considered as references to such provision, as*
 15 *amended and as may be amended from time to time.*

16 **SEC. 3503. DEFINITIONS.**

17 (a) *IN GENERAL.—In this title:*

18 (1) *ATOMIC WEAPON.—The term “atomic weap-*
 19 *on” has the meaning given that term in section 11d.*
 20 *of the Atomic Energy Act of 1954 (42 U.S.C.*
 21 *2014(d)).*

22 (2) *ATOMIC WEAPONS EMPLOYEE.—The term*
 23 *“atomic weapons employee” means an individual em-*
 24 *ployed by an atomic weapons employer during a time*
 25 *when the employer was processing or producing, for*

1 *the use by the United States, material that emitted*
2 *radiation and was used in the production of an atom-*
3 *ic weapon, excluding uranium mining and milling.*

4 (3) *ATOMIC WEAPONS EMPLOYER.*—*The term*
5 *“atomic weapons employer” means an entity that—*

6 (A) *processed or produced, for the use by the*
7 *United States, material that emitted radiation*
8 *and was used in the production of an atomic*
9 *weapon, excluding uranium mining and milling;*
10 *and*

11 (B) *is designated as an atomic weapons em-*
12 *ployer for purposes of this title by the Secretary*
13 *of Energy.*

14 (4) *ATOMIC WEAPONS EMPLOYER FACILITY.*—*The*
15 *term “atomic weapons employer facility” means a fa-*
16 *cility, owned by an atomic weapons employer, that is*
17 *or was used to process or produce, for use by the*
18 *United States, material that emitted radiation and*
19 *was used in the production of an atomic weapon, ex-*
20 *cluding uranium mining or milling.*

21 (5) *BERYLLIUM VENDOR.*—*The term “beryllium*
22 *vendor” means the following:*

23 (A) *Atoms International.*

24 (B) *Brush Wellman, Incorporated, and its*
25 *predecessor, Brush Beryllium Company.*

1 (C) *General Atomics.*

2 (D) *General Electric Company.*

3 (E) *NGK Metals Corporation and its prede-*
4 *cessors, Kawecki-Berylco, Cabot Corporation,*
5 *BerylCo, and Beryllium Corporation of America.*

6 (F) *Nuclear Materials and Equipment Cor-*
7 *poration.*

8 (G) *StarMet Corporation, and its prede-*
9 *cessor, Nuclear Metals, Incorporated.*

10 (H) *Wyman Gordan, Incorporated.*

11 (I) *Any other vendor, processor, or producer*
12 *of beryllium or related products designated as a*
13 *beryllium vendor for purposes of this title under*
14 *section 3504(a).*

15 (6) *CHRONIC SILICOSIS.—The term “chronic sili-*
16 *cosis” means silicosis if—*

17 (A) *at least 10 years elapse between initial*
18 *exposure to silica and the emergence of the sili-*
19 *cosis; and*

20 (B) *the silicosis is established by one of the*
21 *following:*

22 (i) *A chest x-ray presenting any com-*
23 *bination of rounded opacities of type*
24 *p/q/r, with or without irregular opacities,*
25 *present in at least both upper lung zones*

1 *and of profusion 1/0 or greater, as found in*
2 *accordance with the International Labor*
3 *Organization classification system.*

4 *(ii) A physician's provisional or work-*
5 *ing diagnosis of silicosis, combined with—*

6 *(I) a chest radiograph interpreted*
7 *as consistent with silicosis; or*

8 *(II) pathologic findings consistent*
9 *with silicosis.*

10 *(iii) A history of occupational exposure*
11 *to airborne silica dust and a chest*
12 *radiograph or other imaging technique in-*
13 *terpreted as consistent with silicosis or*
14 *pathologic findings consistent with silicosis.*

15 (7) *COMPENSATION.*—*The term “compensation”*
16 *means the money allowance payable under this title*
17 *and any other benefits paid for from the Fund includ-*
18 *ing the alternative compensation payable pursuant to*
19 *section 3515.*

20 (8) *COVERED BERYLLIUM EMPLOYEE.*—*The term*
21 *“covered beryllium employee” means the following:*

22 *(A) A current or former employee (as that*
23 *term is defined in section 8101(1) of title 5,*
24 *United States Code) who may have been exposed*
25 *to beryllium at a Department of Energy facility*

1 or at a facility owned, operated, or occupied by
2 a beryllium vendor.

3 (B) A current or former employee of any
4 entity that contracted with the Department of
5 Energy to provide management and operation,
6 management and integration, or environmental
7 remediation of a Department of Energy facility
8 or an employee of any contractor or subcon-
9 tractor that provided services, including con-
10 struction and maintenance, at such a facility.

11 (C) A current or former employee of a be-
12 ryllium vendor, or a contractor or subcontractor
13 of a beryllium vendor, during a period when the
14 vendor was engaged in activities related to the
15 production or processing of beryllium for sale to,
16 or use by, the Department of Energy.

17 (9) COVERED BERYLLIUM ILLNESS.—The term
18 “covered beryllium illness” means any condition as
19 follows:

20 (A) Beryllium sensitivity as established
21 by—

22 (i) an abnormal beryllium lymphocyte
23 proliferation test performed on either blood
24 or lung lavage cells; or

1 (ii) other means specified under section
2 3504(b).

3 (B) Chronic beryllium disease as established
4 by the following:

5 (i) For diagnoses on or after January
6 1, 1993—

7 (I) beryllium sensitivity, as estab-
8 lished in accordance with subpara-
9 graph (A); and

10 (II) lung pathology consistent
11 with chronic beryllium disease,
12 including—

13 (aa) a lung biopsy showing
14 granulomas or a lymphocytic
15 process consistent with chronic be-
16 ryllium disease;

17 (bb) a computerized axial to-
18 mography scan showing changes
19 consistent with chronic beryllium
20 disease; or

21 (cc) pulmonary function or
22 exercise testing showing pul-
23 monary deficits consistent with
24 chronic beryllium disease.

1 (ii) *For diagnoses before January 1,*
2 *1993, the presence of four of the criteria set*
3 *forth in subclauses (I) through (VI), includ-*
4 *ing the criteria set forth in subclause (I)*
5 *and any three of the criteria set forth in*
6 *subclauses (II) through (VI):*

7 (I) *Occupational or environ-*
8 *mental history, or epidemiologic evi-*
9 *dence of beryllium exposure.*

10 (II) *Characteristic chest radio-*
11 *graphic (or computed tomography*
12 *(CT) abnormalities.*

13 (III) *Restrictive or obstructive*
14 *lung physiology testing or diffusing*
15 *lung capacity defect.*

16 (IV) *Lung pathology consistent*
17 *with chronic beryllium disease.*

18 (V) *Clinical course consistent with*
19 *a chronic respiratory disorder.*

20 (VI) *Immunologic tests showing*
21 *beryllium sensitivity (skin patch test*
22 *or beryllium blood test preferred).*

23 (iii) *Other means specified under sec-*
24 *tion 3504(b).*

1 (C) *Any injury, illness, impairment, or dis-*
 2 *ability sustained as a consequence of a covered beryl-*
 3 *lium illness referred to in subparagraph (A) or (B).*

4 (10) *COVERED EMPLOYEE.—The term “covered*
 5 *employee” means a covered beryllium employee, a*
 6 *covered employee with cancer, or a covered employee*
 7 *with chronic silicosis.*

8 (11) *COVERED EMPLOYEE WITH CANCER.—The*
 9 *term “covered employee with cancer” means the fol-*
 10 *lowing:*

11 (A) *An individual who meets the criteria in*
 12 *section 3511(c)(1).*

13 (B) *A member of the Special Exposure Co-*
 14 *hort.*

15 (12) *COVERED EMPLOYEE WITH CHRONIC SILI-*
 16 *COSIS.—The term “covered employee with chronic sil-*
 17 *icosis” means a—*

18 (A) *Department of Energy employee; or*

19 (B) *Department of Energy contractor em-*
 20 *ployee;*

21 *with chronic silicosis who was exposed to silica in the*
 22 *performance of duty as determined in section 3511(b).*

23 (13) *DEPARTMENT OF ENERGY.—The term “De-*
 24 *partment of Energy” includes the predecessor agencies*

1 *of the Department of Energy, including the Manhat-*
2 *tan Engineering District.*

3 (14) *DEPARTMENT OF ENERGY CONTRACTOR EM-*
4 *PLOYEE.—The term “Department of Energy con-*
5 *tractor employee” means the following:*

6 (A) *An individual who is or was in resi-*
7 *dence at a Department of Energy facility as a*
8 *researcher for a period of at least 24 cumulative*
9 *months.*

10 (B) *An individual who is or was employed,*
11 *at a Department of Energy facility by—*

12 (i) *an entity that contracted with the*
13 *Department of Energy to provide manage-*
14 *ment and operating, management and inte-*
15 *gration, or environmental remediation at*
16 *the facility; or*

17 (ii) *a contractor or subcontractor that*
18 *provided services, including construction*
19 *and maintenance, at the facility.*

20 (15) *DEPARTMENT OF ENERGY FACILITY.—The*
21 *term “Department of Energy facility” means any*
22 *building, structure, or premise, including the grounds*
23 *upon which such building, structure, or premise is lo-*
24 *cated—*

1 (A) *in which operations are, or have been,*
2 *conducted by, or on behalf of, the Department of*
3 *Energy (except for buildings, structures, prem-*
4 *ises, grounds, or operations covered by Executive*
5 *Order 12344, pertaining to the Naval Nuclear*
6 *Propulsion Program); and*

7 (B) *with regard to which the Department of*
8 *Energy has or had—*

9 (i) *a proprietary interest; or*

10 (ii) *entered into a contract with an en-*
11 *tity to provide management and operation,*
12 *management and integration, environ-*
13 *mental remediation services, construction,*
14 *or maintenance services.*

15 (16) *FUND.—The term “Fund” means the En-*
16 *ergy Employees’ Occupational Illness Compensation*
17 *Fund under section 3542 of this title.*

18 (17) *MONTHLY PAY.—The term “monthly pay”*
19 *means the monthly pay at the time of injury, or the*
20 *monthly pay at the time disability begins, or the*
21 *monthly pay at the time the compensable disability*
22 *recurs, if the recurrence begins more than 6 months*
23 *after the employee resumes regular full-time employ-*
24 *ment, whichever is greater, except when otherwise de-*

1 *terminated under section 8113 of title 5, United States*
2 *Code.*

3 (18) *RADIATION.*—*The term “radiation” means*
4 *ionizing radiation in the form of—*

5 (A) *alpha particles;*

6 (B) *beta particles;*

7 (C) *neutrons;*

8 (D) *gamma rays; or*

9 (E) *accelerated ions or subatomic particles*
10 *from accelerator machines.*

11 (19) *SECRETARY OF HEALTH AND HUMAN SERV-*
12 *ICES.*—*The term “Secretary of Health and Human*
13 *Services” means the Secretary of Health and Human*
14 *Services with the assistance of the Director of the Na-*
15 *tional Institute for Occupational Safety and Health.*

16 (20) *SPECIAL EXPOSURE COHORT.*—*The term*
17 *“Special Exposure Cohort” means the following*
18 *groups of Department of Energy employees, Depart-*
19 *ment of Energy contractor employees, and atomic*
20 *weapons employees:*

21 (A) *Individuals who—*

22 (i) *were employed during the period*
23 *prior to February 1, 1992—*

24 (I) *at the gaseous diffusion plants*
25 *located in—*

- 1 (aa) *Paducah, Kentucky;*
2 (bb) *Portsmouth, Ohio; or*
3 (cc) *Oak Ridge, Tennessee;*

4 and

5 (II) *by—*

6 (aa) *the Department of En-*
7 *ergy;*

8 (bb) *a Department of Energy*
9 *contractor or subcontractor; or*

10 (cc) *an atomic weapons em-*
11 *ployer; and*

12 (ii) *during employment covered by*
13 *clause (i)—*

14 (I) *were monitored through the*
15 *use of dosimetry badges for exposure at*
16 *the plant of the external parts of the*
17 *employee's body to radiation; or*

18 (II) *worked in a job that had ex-*
19 *posures comparable to a job that is or*
20 *was monitored through the use of do-*
21 *simetry badges.*

22 (B) *Individuals who were employed by the*
23 *Department of Energy or a Department of En-*
24 *ergy contractor or subcontractor on Amchitka Is-*
25 *land, Alaska, prior to January 1, 1974, and who*

1 *were exposed to ionizing radiation in the per-*
2 *formance of duty related to the Long Shot,*
3 *Milrow, or Cannikin underground nuclear tests.*

4 *(C) Individuals designated as part of the*
5 *Special Exposure Cohort by the Secretary of*
6 *Health and Human Services, in accordance with*
7 *section 3513.*

8 *(21) SPECIFIED CANCER.—The term “specified*
9 *cancer” means the following:*

10 *(A) Leukemia (other than chronic*
11 *lymphocytic leukemia).*

12 *(B) Multiple myeloma.*

13 *(C) Non-Hodgkins Lymphoma.*

14 *(D) Cancer of the—*

15 *(i) bladder;*

16 *(ii) bone;*

17 *(iii) brain;*

18 *(iv) breast (male or female);*

19 *(v) cervix;*

20 *(vi) digestive system (including esoph-*
21 *agus, stomach, small intestine, bile ducts,*
22 *colon, rectum, or other digestive organs);*

23 *(vii) gallbladder;*

24 *(viii) kidney;*

- 1 *(ix) larynx, pharynx, or other res-*
- 2 *piratory organs;*
- 3 *(x) liver;*
- 4 *(xi) lung;*
- 5 *(xii) male genitalia;*
- 6 *(xiii) nasal organs;*
- 7 *(xiv) nervous system;*
- 8 *(xv) ovary;*
- 9 *(xvi) pancreas;*
- 10 *(xvii) prostate;*
- 11 *(xviii) salivary gland (parotid or non-*
- 12 *parotid);*
- 13 *(xix) thyroid;*
- 14 *(xx) ureter;*
- 15 *(xxi) urinary tract or other urinary*
- 16 *organs; or*
- 17 *(xxii) uterus.*
- 18 (22) *SURVIVOR.—The term “survivor” means*
- 19 *any individual or individuals eligible to receive com-*
- 20 *ensation pursuant to section 8133 of title 5, United*
- 21 *States Code.*
- 22 (23) *TIME OF INJURY.—The term “time of in-*
- 23 *jury” means—*
- 24 *(A) in regard to a claim arising out of ex-*
- 25 *posure to beryllium, the last date on which a*

1 covered employee was exposed to beryllium in the
2 performance of duty in accordance with section
3 3511(a);

4 (B) in regard to a claim arising out of
5 chronic silicosis, the last date on which a covered
6 employee was exposed to silica in the perform-
7 ance of duty in accordance with section 3511(b);
8 and

9 (C) in regard to a claim arising out of ex-
10 posure to radiation, the last date on which a cov-
11 ered employee was exposed to radiation in the
12 performance of duty in accordance with section
13 3511(c)(1) or, in the case of a member of the
14 Special Exposure Cohort, the last date on which
15 the member of the Special Exposure Cohort was
16 employed at the Department of Energy facility
17 at which the member was exposed to radiation.

18 (b) *TERMS USED IN ADMINISTRATION.*—

19 (1) *IN GENERAL.*—The following terms have the
20 meaning given those terms in section 8101 of title 5,
21 United States Code—

22 (A) “physician”;

23 (B) “medical, surgical, and hospital services
24 and supplies”;

25 (C) “injury”;

1 (D) “widow”;

2 (E) “parent”;

3 (F) “brother”;

4 (G) “sister”;

5 (H) “child”;

6 (I) “grandchild”;

7 (J) “widower”;

8 (K) “student”;

9 (L) “price index”;

10 (M) “organ”; and

11 (N) “United States medical officers and
12 hospitals”.

13 (2) *EMPLOYEE*.—In applying any provision of
14 chapter 81 of title 5, United States Code (except sec-
15 tion 8101), under this title, the term “employee” in
16 such provision shall mean a covered employee.

17 (3) *EMPLOYEES’ COMPENSATION FUND*.—In ap-
18 plying any provision of chapter 81 of title 5, United
19 States Code, under this title, the term “Employees’
20 Compensation Fund” in such provision shall mean
21 the Fund.

1 **SEC. 3504. EXPANSION OF LIST OF BERYLLIUM VENDORS**
2 **AND MEANS OF ESTABLISHING COVERED BE-**
3 **RYLLIUM ILLNESSES.**

4 (a) *BERYLLIUM VENDORS.*—*The Secretary of Energy*
5 *may from time to time, and in consultation with the Sec-*
6 *retary of Labor, designate as a beryllium vendor for pur-*
7 *poses of section 3503(a)(5) any vendor, processor, or pro-*
8 *ducer of beryllium or related products not previously listed*
9 *under or designated for purposes of that section if the Sec-*
10 *retary of Energy finds that such vendor, processor, or pro-*
11 *ducer has been engaged in activities related to the produc-*
12 *tion or processing of beryllium for sale to, or use by, the*
13 *Department of Energy in a manner similar to the entities*
14 *listed in that section.*

15 (b) *MEANS OF ESTABLISHING COVERED BERYLLIUM*
16 *ILLNESSES.*—*The Secretary of Health and Human Services*
17 *may from time to time, and in consultation with the Sec-*
18 *retary of Energy, specify means of establishing the existence*
19 *of a covered beryllium illness referred to in subparagraph*
20 *(A) or (B) of section 3503(a)(9) not previously listed under*
21 *or specified for purposes of such subparagraph.*

1 ***Subtitle A—Beryllium, Silicosis,***
2 ***and Radiation Compensation***

3 ***SEC. 3511. EXPOSURE TO HAZARDS IN THE PERFORMANCE***
4 ***OF DUTY.***

5 (a) *BERYLLIUM.*—*In the absence of substantial evi-*
6 *dence to the contrary, a covered beryllium employee shall*
7 *be determined to have been exposed to beryllium in the per-*
8 *formance of duty for the purposes of this title if, and only*
9 *if, the covered beryllium employee was—*

10 (1) *employed at a Department of Energy facil-*
11 *ity; or*

12 (2) *present at a Department of Energy facility,*
13 *or a facility owned and operated by a beryllium ven-*
14 *dor, because of employment by the United States, a*
15 *beryllium vendor, or a contractor or subcontractor of*
16 *the Department of Energy;*
17 *during a period when beryllium dust, particles, or vapor*
18 *may have been present at such facility.*

19 (b) *CHRONIC SILICOSIS.*—*In the absence of substantial*
20 *evidence to the contrary, a covered employee with chronic*
21 *silicosis shall be determined to have been exposed to silica*
22 *in the performance of duty for the purposes of this title if,*
23 *and only if, the covered employee with chronic silicosis was*
24 *present during the mining of tunnels at a Department of*

1 *Energy facility for tests or experiments related to an atomic*
2 *weapon.*

3 (c) *CANCER.*—

4 (1) *IN GENERAL.*—*A Department of Energy em-*
5 *ployee, Department of Energy contractor employee, or*
6 *an atomic weapons employee shall be determined to*
7 *have sustained a cancer in the performance of duty*
8 *if, and only if, such employee—*

9 (A) *contracted cancer after beginning em-*
10 *ployment at a Department of Energy facility for*
11 *a Department of Energy contractor or an atomic*
12 *weapons employer facility for an atomic weap-*
13 *ons employer; and*

14 (B) *falls within guidelines that—*

15 (i) *are established by the Secretary of*
16 *Health and Human Services by regulation,*
17 *after consultation with the Secretary of En-*
18 *ergy and after technical review by the Advi-*
19 *sory Board under section 3512, for deter-*
20 *mining whether the cancer the employee*
21 *contracted was at least as likely as not re-*
22 *lated to employment at the facility;*

23 (ii) *are based on the radiation dose re-*
24 *ceived by the employee (or a group of em-*
25 *ployees performing similar work) at the fa-*

1 *cility and the upper 99 percent confidence*
2 *interval of the probability of causation in*
3 *the radioepidemiological tables published*
4 *under section 7(b) of the Orphan Drug Act*
5 *(42 U.S.C. 241 note), as such tables may be*
6 *updated under section 7(b)(3) of such Act*
7 *from time to time;*

8 *(iii) incorporate the methods estab-*
9 *lished under subsection (d); and*

10 *(iv) take into consideration the type of*
11 *cancer; past health-related activities, such*
12 *as smoking; information on the risk of de-*
13 *veloping a radiation-related cancer from*
14 *workplace exposure; and other relevant fac-*
15 *tors.*

16 *(2) SPECIAL EXPOSURE COHORT.—A member of*
17 *the Special Exposure Cohort shall be determined to*
18 *have sustained a cancer in the performance of duty*
19 *if, and only if, such individual contracted a specified*
20 *cancer after beginning employment at a Department*
21 *of Energy facility for a Department of Energy con-*
22 *tractor or an atomic weapons employer facility for an*
23 *atomic weapons employer.*

24 *(d) RADIATION DOSE.—*

1 (1) *IN GENERAL.*—*The Secretary of Health and*
2 *Human Services, after consultation with the Sec-*
3 *retary of Energy, shall—*

4 (A) *establish by regulation methods for ar-*
5 *riving at reasonable estimates of the radiation*
6 *doses Department of Energy employees or De-*
7 *partment of Energy contractor employees re-*
8 *ceived at a Department of Energy facility and*
9 *atomic weapons employees received at a facility*
10 *operated by an atomic weapons employer if such*
11 *employees were not monitored for exposure to ra-*
12 *diation at the facility, or were monitored inad-*
13 *equately, or if the employees' exposure records*
14 *are missing or incomplete; and*

15 (B) *provide to an employee who meets the*
16 *requirements of subsection (c)(1)(B) an estimate*
17 *of the radiation dose the employee received based*
18 *on dosimetry reading, a method established*
19 *under subparagraph (A), or a combination of*
20 *both.*

21 (2) *SCIENTIFIC REVIEW.*—*The Secretary of*
22 *Health and Human Services shall establish an inde-*
23 *pendent review process utilizing the Advisory Board*
24 *under section 3512 to assess the methods established*
25 *under paragraph (1)(A) and the application of those*

1 *methods and to verify a reasonable sample of indi-*
2 *vidual dose reconstructions provided under paragraph*
3 *(1)(B).*

4 *(3) ACCESS TO DOSE RECONSTRUCTIONS.—The*
5 *Secretary of Health and Human Services and the*
6 *Secretary of Energy each shall, consistent with the*
7 *protection of private medical records, make available*
8 *to researchers and the general public information on*
9 *the assumptions, methodology, and data used in dose*
10 *reconstructions undertaken under this subtitle.*

11 **SEC. 3512. ADVISORY BOARD ON RADIATION AND WORKER**
12 **HEALTH.**

13 *(a) ESTABLISHMENT.—*

14 *(1) IN GENERAL.—Not later than 120 days after*
15 *the date of enactment of this title, the Secretary of*
16 *Health and Human Services, in consultation with the*
17 *Secretary of Energy, shall establish and appoint an*
18 *Advisory Board on Radiation and Worker Health.*

19 *(2) BALANCE OF VIEWS.—In making appoint-*
20 *ments to the Board, the Secretary of Health and*
21 *Human Services shall also consult with labor unions*
22 *and other organizations with expertise on worker*
23 *health issues to ensure that the membership of the*
24 *Board reflects a balance of scientific, medical, and*
25 *worker perspectives.*

1 (3) *CHAIR.*—*The Secretary of Health and*
2 *Human Services shall designate a Chair for the*
3 *Board from among its members.*

4 (b) *DUTIES.*—*The Board shall advise the Secretary of*
5 *Health and Human Services, Secretary of Energy, and Sec-*
6 *retary of Labor on—*

7 (1) *the development of guidelines to be used by*
8 *the Secretary of Health and Human Services under*
9 *section 3511;*

10 (2) *the scientific validity and quality of dose es-*
11 *timation and reconstruction efforts being performed to*
12 *implement compensation programs under this sub-*
13 *title; and*

14 (3) *other matters related to radiation and worker*
15 *health in Department of Energy facilities as the Sec-*
16 *retary of Labor, the Secretary of Energy, or the Sec-*
17 *retary of Health and Human Services may request.*

18 (c) *STAFF.*—

19 (1) *IN GENERAL.*—*The Secretary of Health and*
20 *Human Services shall appoint a staff to facilitate the*
21 *work of the Board, headed by a Director appointed*
22 *under subchapter VIII of chapter 33 of title 5, United*
23 *States Code.*

24 (2) *DETAILS.*—*The Secretary of Health and*
25 *Human Services may accept for staff of the Board*

1 *personnel on detail from other Federal agencies to*
2 *serve on the staff on a nonreimbursable basis.*

3 (d) *EXPENSES.—Members of the Board, other than*
4 *full-time employees of the Federal Government, while at-*
5 *tending meetings of the Board or while otherwise serving*
6 *at the request of the Secretary of Health and Human Serv-*
7 *ices while serving away from their homes or regular places*
8 *of business, may be allowed travel and meal expenses, in-*
9 *cluding per diem in lieu of subsistence, as authorized by*
10 *section 5703 of title 5, United States Code, for individuals*
11 *in the Government serving without pay.*

12 (e) *APPLICABILITY OF FACA.—The Advisory Board*
13 *shall be subject to the Federal Advisory Committee Act (5*
14 *U.S.C. App.).*

15 **SEC. 3513. DESIGNATION OF ADDITIONAL MEMBERS OF THE**
16 **SPECIAL EXPOSURE COHORT.**

17 (a) *ADVICE ON MEMBERSHIP IN COHORT.—*

18 (1) *IN GENERAL.—Upon request of the Secretary*
19 *of Health and Human Services, the Advisory Board*
20 *on Radiation and Worker Health under section 3512,*
21 *based on exposure assessments by radiation health*
22 *professionals, information provided by the Depart-*
23 *ment of Energy, and other information deemed ap-*
24 *propriate by the Board, shall advise the Secretary of*
25 *Health and Human Services whether there is a class*

1 of employees at a Department of Energy facility who
2 likely were exposed to radiation at the facility but for
3 whom it is not feasible to estimate with sufficient ac-
4 curacy the radiation dose they received.

5 (2) *PROCEDURES.*—The Secretary of Health and
6 Human Services shall establish procedures for consid-
7 ering petitions by classes of employees to request the
8 advice of the Board.

9 (b) *TREATMENT AS MEMBERS OF COHORT.*—A class
10 of employees at a Department of Energy facility shall be
11 considered as members of the Special Exposure Cohort for
12 purposes of section 3503(a)(20) if the Secretary of Health
13 and Human Services, upon recommendation of the Advi-
14 sory Board on Radiation and Worker Health and in con-
15 sultation with the Secretary of Energy, determines that—

16 (1) it is not feasible to estimate with sufficient
17 accuracy the radiation dose which the class received;
18 and

19 (2) there is a reasonable likelihood that the radi-
20 ation dose may have endangered the health of mem-
21 bers of the class.

22 (c) *ACCESS TO INFORMATION.*—The Secretary of En-
23 ergy shall, in accordance with law, provide the Secretary
24 of Health and Human Services and the members and staff
25 of the Advisory Board under section 3512 access to relevant

1 *information on worker exposures, including access to Re-*
2 *stricted Data (as that term is defined in section 11y. of*
3 *the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).*

4 **SEC. 3514. AUTHORITY TO PROVIDE COMPENSATION AND**
5 **OTHER ASSISTANCE.**

6 *(a) COMPENSATION.—Subject to the provisions of this*
7 *title, the Secretary of Labor—*

8 *(1) shall pay compensation in accordance with*
9 *sections 8105 through 8110, 8111(a), 8112, 8113,*
10 *8115, 8117, 8133, 8134, 8146a(a), and 8146a(b) of*
11 *title 5, United States Code, for the disability or*
12 *death—*

13 *(A) from a covered beryllium illness of a*
14 *covered beryllium employee who was exposed to*
15 *beryllium while in the performance of duty as*
16 *determined in accordance with section 3511(a) of*
17 *this title;*

18 *(B) from chronic silicosis of a covered em-*
19 *ployee with chronic silicosis who was exposed to*
20 *silica in the performance of duty as determined*
21 *in accordance with section 3511(b) of this title;*
22 *or*

23 *(C) from cancer of a covered employee with*
24 *cancer determined to have sustained that cancer*
25 *in the performance of duty in accordance with*

1 *section 3511(c) of this title or from any injury*
2 *suffered as a consequence of that cancer;*

3 *(2) shall furnish the services and other benefits*
4 *specified in section 8103 of title 5, United States*
5 *Code, to—*

6 *(A) a covered beryllium employee with a*
7 *covered beryllium illness who was exposed to be-*
8 *ryllium in the performance of duty as deter-*
9 *mined in accordance with section 3511(a) of this*
10 *title;*

11 *(B) a covered employee with chronic sili-*
12 *cosis who was exposed to silica in the perform-*
13 *ance of duty as determined in accordance with*
14 *section 3511(b) of this title; or*

15 *(C) a covered employee with cancer deter-*
16 *mined to have sustained that cancer in the per-*
17 *formance of duty in accordance with section*
18 *3511(c) of this title or to have suffered any in-*
19 *jury as a consequence of that cancer; and*

20 *(3) may direct a permanently disabled indi-*
21 *vidual whose disability is compensable under this*
22 *subtitle to undergo vocational rehabilitation and shall*
23 *provide for furnishing such vocational rehabilitation*
24 *services pursuant to the provisions of sections 8104,*
25 *8111(b), and 8113(b) of title 5, United States Code.*

1 (b) *LIMITATIONS ON COMPENSATION.*—

2 (1) *EMPLOYEE MISCONDUCT.*—No compensation
3 or benefits may be paid or provided under this title
4 for a cancer (including a specified cancer), chronic
5 silicosis, covered beryllium illness, or death if the can-
6 cer (including a specified cancer), chronic silicosis,
7 covered beryllium illness, or death occurred under one
8 of the circumstances set forth in paragraph (1), (2),
9 or (3) of section 8102(a) of title 5, United States
10 Code.

11 (2) *RETROACTIVE BENEFITS.*—No compensation
12 may be paid under this section for any period before
13 the date of enactment of this title, except in the case
14 of compensation under section 3515.

15 (3) *SOURCE.*—All compensation under this sub-
16 title shall be paid from the Fund.

17 (c) *COMPUTATION OF PAY.*—

18 (1) *IN GENERAL.*—Except as otherwise provided
19 by this title or by regulation, computation of pay
20 under this title shall be determined in accordance
21 with section 8114 of title 5, United States Code.

22 (2) *SUBSTITUTE RULE FOR SECTION*
23 *8114(d)(3).*—If either of the methods of determining
24 the average annual earnings specified in section
25 8114(d) (1) and (2) of title 5, United States Code,

1 *cannot be applied reasonably and fairly, the average*
2 *annual earnings are a sum that reasonably represents*
3 *the annual earning capacity of the covered employee*
4 *in the employment in which the employee was work-*
5 *ing at the time of injury having regard to the pre-*
6 *vious earnings of the employee in similar employ-*
7 *ment, and of other employees of the same employer in*
8 *the same or most similar class working in the same*
9 *or most similar employment in the same or neigh-*
10 *boring location, other previous employment of the em-*
11 *ployee, or other relevant factors. However, the average*
12 *annual earnings may not be less than 150 times the*
13 *average daily wage the covered employee earned in*
14 *the employment during the days employed within 1*
15 *year immediately preceding the time of injury.*

16 (d) *ASSISTANCE FOR CLAIMANTS.*—*The Secretary of*
17 *Labor shall, upon the receipt of a request for assistance from*
18 *a claimant for compensation under this section, provide as-*
19 *sistance to the claimant in connection with the claim,*
20 *including—*

21 (1) *assistance in securing medical testing and*
22 *diagnostic services necessary to establish the existence*
23 *of a covered beryllium illness or cancer; and*

24 (2) *such other assistance as may be required to*
25 *develop facts pertinent to the claim.*

1 (e) *ASSISTANCE FOR POTENTIAL CLAIMANTS.*—The
2 Secretary of Energy, in consultation with the Secretary of
3 Labor, shall take appropriate actions to inform and assist
4 covered employees who are potential claimants under this
5 subtitle, and other potential claimants under this subtitle,
6 of the availability of compensation under this subtitle, in-
7 cluding actions to—

8 (1) *ensure the ready availability, in paper and*
9 *electronic format, of forms necessary for making*
10 *claims;*

11 (2) *provide such covered employees and other po-*
12 *tential claimants with information and other support*
13 *necessary for making claims, including—*

14 (A) *medical protocols for medical testing*
15 *and diagnosis to establish the existence of a cov-*
16 *ered beryllium illness, silicosis, or cancer; and*

17 (B) *lists of vendors approved for providing*
18 *laboratory services related to such medical test-*
19 *ing and diagnosis;*

20 (3) *provide such additional assistance to such*
21 *covered employees and other potential claimants as*
22 *may be required for the development of facts pertinent*
23 *to a claim.*

24 (f) *INFORMATION FROM BERYLLIUM VENDORS AND*
25 *OTHER CONTRACTORS.*—As part of the assistance program

1 *provided under subsections (d) and (e), and as permitted*
2 *by law, the Secretary of Energy shall, upon the request of*
3 *the Secretary of Labor, require a beryllium vendor or other*
4 *Department of Energy contractor or subcontractor to pro-*
5 *vide information relevant to a claim or potential claim*
6 *under this title to the Secretary of Labor.*

7 **SEC. 3515. ALTERNATIVE COMPENSATION.**

8 *(a) IN GENERAL.—Subject to the provisions of this sec-*
9 *tion, a covered employee eligible for benefits under section*
10 *3514(a), or the survivor of such covered employee if the em-*
11 *ployee is deceased, may elect to receive compensation in the*
12 *amount of \$200,000 in lieu of any other compensation*
13 *under section 3514(a)(1).*

14 *(b) DEATH BEFORE ELECTION.—*

15 *(1) IN GENERAL.—Subject to the provisions of*
16 *this section, if a covered employee otherwise eligible to*
17 *make an election provided by this section dies before*
18 *the date of enactment of this title, or before making*
19 *the election, whether or not the death is a result of a*
20 *cancer (including a specified cancer), chronic sili-*
21 *cosis, or covered beryllium illness, a survivor of the*
22 *covered employee on behalf of the survivor and any*
23 *other survivors of the covered employee may make the*
24 *election and receive the compensation provided for*
25 *under this section.*

1 (2) *PRECEDENCE OF SURVIVORS.*—*The right to*
2 *make an election and to receive compensation under*
3 *this section shall be afforded to survivors in the order*
4 *of precedence set forth in section 8109 of title 5,*
5 *United States Code.*

6 (c) *TIME LIMIT FOR ELECTION.*—*An election under*
7 *this section may be made at any time after the submittal*
8 *under this subtitle of the claim on which such compensation*
9 *is based, but not later than 30 days after the latter of the*
10 *date of—*

11 (1) *a determination by the Secretary of Labor*
12 *that an employee is eligible for an award under this*
13 *section; or*

14 (2) *a determination by the Secretary of Labor*
15 *under section 3214 awarding an employee or an em-*
16 *ployee's survivors compensation for total or partial*
17 *disability or compensation in case of death.*

18 (d) *IRREVOCABILITY OF ELECTION.*—

19 (1) *IN GENERAL.*—*An election under this section*
20 *when made is irrevocable.*

21 (2) *BINDING EFFECT.*—*An election made by a*
22 *covered employee or survivor under this section is*
23 *binding on all survivors of the covered employee.*

1 **SEC. 3516. SUBMITTAL OF CLAIMS.**

2 (a) *CLAIM REQUIRED.*—A claim for compensation
3 under this subtitle shall be submitted to the Secretary of
4 Labor in the manner specified in section 8121 of title 5,
5 United States Code.

6 (b) *GENERAL TIME LIMITATIONS.*—A claim for com-
7 pensation under this subtitle shall be filed under this section
8 not later than the later of—

9 (1) seven years after the date of enactment of this
10 title;

11 (2) seven years after the date the claimant first
12 becomes aware that a cancer (including a specified
13 cancer), chronic silicosis, covered beryllium illness, or
14 death from any of the foregoing of a covered employee
15 may be connected to the exposure of the covered em-
16 ployee to beryllium, radiation, or silica in the per-
17 formance of duty.

18 (c) *NEW PERIOD FOR ADDITIONAL ILLNESSES AND*
19 *CONDITIONS.*—A new period of limitation under subsection
20 (b)(2) shall commence with each new diagnosis of a cancer
21 (including a specified cancer), chronic silicosis, or covered
22 beryllium illness that is different from a previously diag-
23 nosed cancer (including a specified cancer), chronic sili-
24 cosis, or covered beryllium illness.

25 (d) *DEATH CLAIM.*—The timely filing of a disability
26 claim for a cancer (including a specified cancer), chronic

1 *silicosis, or covered beryllium illness shall satisfy the time*
2 *requirements of this section for death benefits for the same*
3 *cancer (including a specified cancer), chronic silicosis, or*
4 *covered beryllium illness.*

5 **SEC. 3517. ADJUDICATION AND ADMINISTRATION.**

6 (a) *IN GENERAL.*—

7 (1) *REQUIREMENT.*—*The Secretary of Labor*
8 *shall determine and make a finding of fact and make*
9 *an award for or against payment of compensation*
10 *under this subtitle after—*

11 (A) *considering the claim presented by the*
12 *claimant, the results of any medical test or diag-*
13 *nosis undertaken to establish the existence of a*
14 *cancer (including a specified cancer), chronic sil-*
15 *icosis, or covered beryllium illness, and any re-*
16 *port furnished by the Secretary of Energy with*
17 *respect to the claim; and*

18 (B) *completing such investigation as the*
19 *Secretary of Labor considers necessary.*

20 (2) *SCOPE OF ALLOWANCE AND DENIAL.*—*The*
21 *Secretary may allow or deny a claim, in whole or in*
22 *part.*

23 (b) *AVAILABLE AUTHORITIES.*—

24 (1) *IN GENERAL.*—*Except as provided in para-*
25 *graph (2), in carrying out activities under subsection*

1 (c), the Secretary of Labor may utilize the authorities
2 available to the Secretary under sections 8123,
3 8124(b), 8125, 8126, 8128(a), and 8129 of title 5,
4 United States Code.

5 (2) *DISAGREEMENT.*—If there is a disagreement
6 under section 8123(a) of title 5, United States Code,
7 between the physician making the examination for the
8 United States and the physician of the employee, the
9 Secretary of Labor shall appoint a third physician
10 from a roster of physicians with relevant expertise
11 maintained by the Secretary of Health and Human
12 Services.

13 (c) *RIGHTS OF CLAIMANT.*—

14 (1) *IN GENERAL.*—Except as provided by para-
15 graph (2), the provisions of section 8127 of title 5,
16 United States Code, shall apply.

17 (2) *SUITS TO COMPEL INFORMATION.*—A claim-
18 ant may commence an action in the appropriate dis-
19 trict court of the United States against a beryllium
20 vendor, or other contractor or subcontractor of the De-
21 partment of Energy, to compel the production of in-
22 formation or documents requested by the Secretary of
23 Labor under this subtitle if such information or docu-
24 ments are not provided within 180 days of the date
25 of the request. Upon successful resolution of any ac-

1 *tion brought under this paragraph, the court shall*
2 *award the claimant reasonable attorney fees and costs*
3 *to be paid by the defendant in such action.*

4 *(d) DEADLINES.—Beginning on the date that is two*
5 *years after the date of enactment of this title, the Secretary*
6 *of Labor shall allow or deny a claim under this section not*
7 *later than the later of—*

8 *(1) 180 days after the date of submittal of the*
9 *claim to the Secretary under section 3516; or*

10 *(2) 120 days after the date of receipt of informa-*
11 *tion or documents produced under subsection (c)(2).*

12 *(e) RESOLUTION OF REASONABLE DOUBT.—Except as*
13 *provided in subsection (b)(2), in determining whether a*
14 *claimant meets the requirements of this subtitle, the Sec-*
15 *retary of Labor shall find in favor of the claimant in cir-*
16 *cumstances where the evidence supporting the claim of the*
17 *claimant and the evidence controverting the claim of the*
18 *claimant is in equipoise.*

19 *(f) SERVICE OF DECISION.—The Secretary of Labor*
20 *shall have served upon a claimant the Secretary's decision*
21 *denying the claim under this section, including the finding*
22 *of fact under subsection (a)(1).*

23 *(g) HEARINGS AND FURTHER REVIEW.—*

24 *(1) REGULATIONS.—The Secretary of Labor may*
25 *prescribe regulations necessary for the administration*

1 *and enforcement of this title including regulations for*
2 *the conduct of hearings under this section.*

3 (2) *APPEALS PANELS.—*

4 (A) *IN GENERAL.—Regulations issued by*
5 *the Secretary of Labor under this title shall pro-*
6 *vide for one or more Energy Employees' Com-*
7 *ensation Appeals Panels of three individuals*
8 *with authority to hear and, subject to applicable*
9 *law and the regulations of the Secretary, make*
10 *final decisions on appeals taken from determina-*
11 *tions and awards with respect to claims of em-*
12 *ployees filed under this subtitle.*

13 (B) *INTERAGENCY AGREEMENT.—Under an*
14 *agreement between the Secretary of Labor and*
15 *another Federal agency (except the Department*
16 *of Energy), a panel appointed by the other Fed-*
17 *eral agency may provide these appellate deci-*
18 *sionmaking services.*

19 (3) *APPEAL.—An individual seeking review of a*
20 *denial of an award under this section shall submit an*
21 *appeal in accordance with the regulations under this*
22 *subsection.*

23 (h) *RECONSIDERATION BASED ON NEW CRITERIA OR*
24 *EVIDENCE.—*

1 (1) *NEW CRITERIA OR METHODS FOR ESTAB-*
 2 *LISHING WORK-RELATED ILLNESS.*—*A claimant may*
 3 *obtain reconsideration of a decision awarding or de-*
 4 *nying coverage under this subtitle within one year*
 5 *after the effective date of regulations setting forth—*

6 *(A) new criteria for establishing a covered*
 7 *beryllium illness pursuant to section 3504(b); or*

8 *(B) additional or revised methods for deter-*
 9 *mining whether a cancer was at least as likely*
 10 *as not related to employment pursuant to section*
 11 *3211(c)(1)(B)(i);*
 12 *by submitting evidence that is relevant and pertinent*
 13 *to the new regulations.*

14 (2) *NEW EVIDENCE.*—*A covered employee or cov-*
 15 *ered employee’s survivor may obtain reconsideration*
 16 *of a decision denying an application for compensa-*
 17 *tion or benefits under this title if the employee or em-*
 18 *ployee’s survivor has additional medical or other in-*
 19 *formation relevant to the claim that was not reason-*
 20 *ably available at the time of the decision and that*
 21 *likely would lead to the reversal of the decision.*

22 ***Subtitle B—Exposure to Other Toxic***
 23 ***Substances***

24 ***SEC. 3521. DEFINITIONS.***

25 *In this subtitle:*

1 (1) *DIRECTOR.*—*The term “Director” means the*
2 *Director of the Office of Workers’ Compensation Advo-*
3 *cate under section 217 of the Department of Energy*
4 *Organization Act, as added by section 3538 of this*
5 *Act.*

6 (2) *PANEL.*—*The term “panel” means a physi-*
7 *cians panel established under section 3522(d).*

8 (3) *SECRETARY.*—*The term “Secretary” means*
9 *the Secretary of Energy.*

10 **SEC. 3522. AGREEMENTS WITH STATES.**

11 (a) *AGREEMENTS.*—*The Secretary, through the Direc-*
12 *tor, may enter into agreements with the Governor of a State*
13 *to provide assistance to a Department of Energy contractor*
14 *employee in filing a claim under the appropriate State*
15 *workers’ compensation system.*

16 (b) *PROCEDURE.*—*Pursuant to agreements under sub-*
17 *section (a), the Director may—*

18 (1) *establish procedures under which an indi-*
19 *vidual may submit an application for review and as-*
20 *sistance under this section, and*

21 (2) *review an application submitted under this*
22 *section and determine whether the applicant sub-*
23 *mitted reasonable evidence that—*

1 (A) the application was filed by or on be-
 2 half of a Department of Energy contractor em-
 3 ployee or employee's estate, and

4 (B) the illness or death of the Department
 5 of Energy contractor employee may have been re-
 6 lated to employment at a Department of Energy
 7 facility.

8 (c) *SUBMITTAL OF APPLICATIONS TO PANELS.*—If pro-
 9 vided in an agreement under subsection (a), and if the Di-
 10 rector determines that the applicant submitted reasonable
 11 evidence under subsection (b)(2), the Director shall submit
 12 the application to a physicians panel established under sub-
 13 section (d). The Director shall assist the employee in obtain-
 14 ing additional evidence within the control of the Depart-
 15 ment of Energy and relevant to the panel's deliberations.

16 (d) *PANEL.*—

17 (1) *NUMBER OF PANELS.*—The Director shall in-
 18 form the Secretary of Health and Human Services of
 19 the number of physicians panels the Director has de-
 20 termined to be appropriate to administer this section,
 21 the number of physicians needed for each panel, and
 22 the area of jurisdiction of each panel. The Director
 23 may determine to have only one panel.

24 (2) *APPOINTMENT.*—

1 (A) *IN GENERAL.*—*The Secretary of Health*
2 *and Human Services shall appoint panel mem-*
3 *bers with experience and competency in diag-*
4 *nosizing occupational illnesses under section 3109*
5 *of title 5, United States Code.*

6 (B) *COMPENSATION.*—*Each member of a*
7 *panel shall be paid at the rate of pay payable*
8 *for level III of the Executive Schedule for each*
9 *day (including travel time) the member is en-*
10 *gaged in the work of a panel.*

11 (3) *DUTIES.*—*A panel shall review an applica-*
12 *tion submitted to it by the Director and determine,*
13 *under guidelines established by the Director, by rule,*
14 *whether the illness or death that is the subject of the*
15 *application arose out of and in the course of employ-*
16 *ment by the Department of Energy and exposure to*
17 *a toxic substance at a Department of Energy facility.*

18 (4) *ADDITIONAL INFORMATION.*—*At the request*
19 *of a panel, the Director and a contractor who em-*
20 *ployed a Department of Energy contractor employee*
21 *shall provide additional information relevant to the*
22 *panel's deliberations. A panel may consult specialists*
23 *in relevant fields as it determines necessary.*

24 (5) *DETERMINATIONS.*—*Once a panel has made*
25 *a determination under paragraph (3), it shall report*

1 to the Director its determination and the basis for the
2 determination.

3 (6) *INAPPLICABILITY OF FACA.*—A panel estab-
4 lished under this section shall not be subject to the
5 Federal Advisory Committee Act (5 U.S.C. App.).

6 (e) *ASSISTANCE.*—If provided in an agreement under
7 subsection (a)—

8 (1) the Director shall review a panel's deter-
9 mination made under subsection (d), information the
10 panel considered in reaching its determination, any
11 relevant new information not reasonably available at
12 the time of the panel's deliberations, and the basis for
13 the panel's determination;

14 (2) as a result of the review under paragraph
15 (1), the Director shall accept the panel's determina-
16 tion in the absence of compelling evidence to the con-
17 trary;

18 (3) if the panel has made a positive determina-
19 tion under subsection (d) and the Director accepts the
20 determination under paragraph (2), or the panel has
21 made a negative determination under subsection (d)
22 and the Director finds compelling evidence to the
23 contrary—

24 (A) the Director shall—

1 (i) assist the applicant to file a claim
2 under the appropriate State workers' com-
3 pensation system based on the health condi-
4 tion that was the subject of the determina-
5 tion;

6 (ii) recommend to the Secretary of En-
7 ergy that the Department of Energy not
8 contest a claim filed under a State workers'
9 compensation system based on the health
10 condition that was the subject of the deter-
11 mination and not contest an award made
12 under a State workers' compensation system
13 regarding that claim; and

14 (iii) recommend to the Secretary of
15 Energy that the Secretary direct, as per-
16 mitted by law, the contractor who employed
17 the Department of Energy contractor em-
18 ployee who is the subject of the claim not to
19 contest the claim or an award regarding the
20 claim; and

21 (B) any costs of contesting a claim or an
22 award regarding the claim incurred by the con-
23 tractor who employed the Department of Energy
24 contractor employee who is the subject of the

1 *claim shall not be an allowable cost under a De-*
 2 *partment of Energy contract.*

3 (f) *INFORMATION.*—*At the request of the Director, a*
 4 *contractor who employed a Department of Energy con-*
 5 *tractor employee shall make available to the Director or the*
 6 *employee, information relevant to deliberations under this*
 7 *section.*

8 (g) *GAO REPORT.*—*Not later than February 1, 2002,*
 9 *the Comptroller General shall submit a report to the Con-*
 10 *gress evaluating the implementation by the Department of*
 11 *Energy of the provisions of this subtitle and of the effective-*
 12 *ness of the program under this subtitle in providing com-*
 13 *pensation to Department of Energy contractor employees*
 14 *for occupational illness.*

15 ***Subtitle C—General Provisions***

16 ***SEC. 3531. TREATMENT OF COMPENSATION AND BENEFITS.***

17 (a) *IN GENERAL.*—*Any compensation or benefits al-*
 18 *lowed, paid, or provided under this title—*

19 (1) *shall not be included as income or resources*
 20 *for purposes of determining eligibility to receive bene-*
 21 *fits described in section 3803(c)(2)(C) of title 31,*
 22 *United States Code, or the amount of those benefits;*
 23 *and*

24 (2) *shall not be subject to offset under chapter 37*
 25 *of title 31, United States Code.*

1 (b) *INSURANCE.*—(1) *Compensation or benefits paid or*
2 *provided under this title shall not be considered as any form*
3 *of compensation or reimbursement for a loss for purposes*
4 *of imposing liability on an individual receiving the com-*
5 *pensation or benefits to repay any insurance carrier for in-*
6 *surance payments made.*

7 (2) *The payment or provision of compensation or bene-*
8 *fits under this title shall not be treated as affecting any*
9 *claim against an insurance carrier with respect to insur-*
10 *ance.*

11 (c) *PROHIBITION ON ASSIGNMENT OR ATTACHMENT OF*
12 *CLAIMS.*—*The provisions of section 8130 of title 5, United*
13 *States Code, shall apply to claims under this title.*

14 (d) *RETENTION OF CIVIL SERVICE RIGHTS.*—*If a Fed-*
15 *eral employee found to be disabled under this title resumes*
16 *employment with the Federal Government, the employee*
17 *shall be entitled to the rights set forth in section 8151 of*
18 *title 5, United States Code.*

19 **SEC. 3532. FORFEITURE OF BENEFITS BY CONVICTED FEL-**
20 **ONS.**

21 (a) *FORFEIT COMPENSATION.*—*Any individual con-*
22 *victed of a violation of section 1920 of title 18, United*
23 *States Code, or any other Federal or State criminal statute*
24 *relating to fraud in the application for or receipt of any*
25 *benefit under this title or under any other Federal or State*

1 *workers' compensation law, shall forfeit (as of the date of*
2 *such conviction) any entitlement to any benefit under this*
3 *title such individual would otherwise be awarded for any*
4 *injury, illness or death covered by this title for which the*
5 *time of injury was on or before the date of the conviction.*
6 *This forfeiture shall be in addition to any action the Sec-*
7 *retary of Labor takes under sections 8106 or 8129 of title*
8 *5, United States Code.*

9 (b) *DEPENDENTS.—(1) Notwithstanding any other*
10 *provision of law, except as provided under paragraph (2),*
11 *compensation under this title shall not be paid or provided*
12 *to an individual during any period during which such in-*
13 *dividual is confined in a jail, prison, or other penal institu-*
14 *tion or correctional facility, pursuant to that individual's*
15 *conviction of an offense that constituted a felony under ap-*
16 *plicable law. After this period of incarceration ends, the in-*
17 *dividual shall not receive compensation forfeited during the*
18 *period of incarceration.*

19 (2) *If an individual has one or more dependents as*
20 *defined under section 8110(a) of title 5, United States Code,*
21 *the Secretary of Labor may, during the period of incarcer-*
22 *ation, pay to such dependents a percentage of the compensa-*
23 *tion under section 3114 that would have been payable to*
24 *the individual computed according to the percentages set*

1 *forth in section 8133(a) (1) through (5) of title 5, United*
2 *States Code.*

3 (c) *INFORMATION.*—*Notwithstanding section 552a of*
4 *title 5, United States Code, or any other Federal or State*
5 *law, an agency of the United States, a State, or a political*
6 *subdivision of a State shall make available to the Secretary*
7 *of Labor, upon written request from the Secretary of Labor*
8 *and if the Secretary of Labor requires the information to*
9 *carry out this section, the names and Social Security ac-*
10 *count numbers of individuals confined, for conviction of a*
11 *felony, in a jail, prison, or other penal institution or correc-*
12 *tional facility under the jurisdiction of that agency.*

13 **SEC. 3533. LIMITATION ON RIGHT TO RECEIVE BENEFITS.**

14 (a) *CLAIMANT.*—*A claimant who receives compensa-*
15 *tion for any claim under this title, except for compensation*
16 *provided under the authority of section 8103(b) of title 5,*
17 *United States Code, shall not receive compensation for any*
18 *other claim under this title.*

19 (b) *SURVIVOR.*—*If a survivor receives compensation*
20 *for any claim under this title derived from a covered em-*
21 *ployee, except for compensation provided under the author-*
22 *ity of section 8103(b) of title 5, United States Code, such*
23 *survivor shall not receive compensation for any other claim*
24 *under this title derived from the same covered employee. A*
25 *survivor of a claimant who receives compensation for any*

1 *claim under this title, except for compensation provided*
 2 *under the authority of section 8103(b) of title 5, United*
 3 *States Code, shall not receive compensation for any other*
 4 *claim under this title derived from the same covered em-*
 5 *ployee.*

6 (c) *WIDOW OR WIDOWER.—A widow or widower who*
 7 *is eligible for benefits under this title derived from more*
 8 *than one husband or wife shall elect one benefit to receive.*

9 **SEC. 3534. COORDINATION OF BENEFITS—STATE WORKERS’**
 10 **COMPENSATION.**

11 (a) *IN GENERAL.—An individual who is eligible to re-*
 12 *ceive compensation under this title because of a cancer (in-*
 13 *cluding a specified cancer), chronic silicosis, covered beryl-*
 14 *lium illness, or death and who is also entitled to receive*
 15 *benefits because of the same cancer (including a specified*
 16 *cancer), chronic silicosis, covered beryllium illness, or death*
 17 *from a State workers’ compensation system shall elect which*
 18 *such benefits to receive, unless—*

19 (1) *at the time of injury, workers’ compensation*
 20 *coverage for the employee was secured by a policy or*
 21 *contract of insurance; and*

22 (2) *the Secretary of Labor waives the require-*
 23 *ment to make such an election.*

24 (b) *ELECTION.—The individual shall make the election*
 25 *within the time allowed by the Secretary of Labor. The elec-*

1 tion when made is irrevocable and binding on all survivors
2 of that individual.

3 (c) COORDINATION.—Except as provided in paragraph
4 (d), an individual who has been awarded compensation
5 under this title and who also has received benefits from a
6 State workers' compensation system because of the same
7 cancer (including a specified cancer), chronic silicosis, cov-
8 ered beryllium illness, or death, shall receive compensation
9 as specified under this title reduced by the amount of any
10 workers' compensation benefits that the individual has re-
11 ceived under the State workers' compensation system as a
12 result of the cancer (including a specified cancer), chronic
13 silicosis, covered beryllium illness, or death attributable to
14 the period subsequent to the effective date of this title, after
15 deducting the reasonable costs, as determined by the Sec-
16 retary of Labor, of obtaining benefits under the State work-
17 ers' compensation system.

18 (d) WAIVER.—An individual described in paragraph
19 (a) who has also received, under paragraph (a)(2), a waiver
20 of the requirement to elect between compensation under this
21 title and benefits under a State workers' compensation sys-
22 tem shall receive compensation as specified in this title for
23 the cancer (including a specified cancer), chronic silicosis,
24 covered beryllium illness, or death, reduced by 80 percent
25 of the net amount of any workers' compensation benefits

1 *that the claimant has received under a State workers' com-*
 2 *pensation system attributable to the period subsequent to*
 3 *the effective date of this title, after deducting the reasonable*
 4 *costs, as determined by the Secretary of Labor, of obtaining*
 5 *benefits under the State workers' compensation system.*

6 **SEC. 3535. COORDINATION OF BENEFITS—FEDERAL WORK-**
 7 **ERS' COMPENSATION.**

8 (a) *IN GENERAL.*—*An individual who is eligible to re-*
 9 *ceive compensation under this title because of a cancer (in-*
 10 *cluding a specified cancer), chronic silicosis, covered beryl-*
 11 *lium illness, or death and who is also entitled to receive*
 12 *benefits because of the same cancer (including a specified*
 13 *cancer), chronic silicosis, covered beryllium illness, or death*
 14 *from another Federal workers' compensation system shall*
 15 *elect which such benefits to receive.*

16 (b) *ELECTION.*—*The individual shall make the election*
 17 *within the time allowed by the Secretary of Labor. The elec-*
 18 *tion when made is irrevocable and binding on all survivors*
 19 *of that individual.*

20 (c) *COORDINATION.*—*An individual who has been*
 21 *awarded compensation under this title and who also has*
 22 *received benefits from another Federal workers' compensa-*
 23 *tion system because of the same cancer (including a speci-*
 24 *fied cancer), chronic silicosis, covered beryllium illness, or*
 25 *death, shall receive compensation as specified under this*

1 *title reduced by the amount of any workers' compensation*
2 *benefits that the individual has received under the other*
3 *Federal workers' compensation system as a result of the*
4 *cancer (including a specified cancer), chronic silicosis, cov-*
5 *ered beryllium illness, or death.*

6 **SEC. 3536. RECEIPT OF BENEFITS—OTHER STATUTES.**

7 *An individual may not receive compensation under*
8 *this title for cancer and also receive compensation under*
9 *the Radiation Exposure Compensation Act (42 U.S.C. 2210*
10 *note) or the Radiation-Exposed Veterans Compensation Act*
11 *(38 U.S.C. 112(c)).*

12 **SEC. 3537. DUAL COMPENSATION—FEDERAL EMPLOYEES.**

13 *(a) LIMITATION.—While a Federal employee is receiv-*
14 *ing compensation under this title, or such employee has*
15 *been paid a lump sum in commutation of installment pay-*
16 *ments until the expiration of the period during which the*
17 *installment payments would have continued, such employee*
18 *may not receive salary, pay, or remuneration of any type*
19 *from the United States, except—*

20 *(1) in return for service actually performed;*

21 *(2) pension for service in the Army, Navy or Air*
22 *Force;*

23 *(3) other benefits administrated by the Depart-*
24 *ment of Veterans Affairs unless such benefits are pay-*

1 *able for the same covered illness or the same death;*
2 *and*

3 *(4) retired pay, retirement pay, retainer pay, or*
4 *equivalent pay for service in the Armed Forces or*
5 *other uniformed service.*

6 *However, eligibility for or receipt of benefits under sub-*
7 *chapter III of chapter 83 of title 5, United States Code,*
8 *or another retirement system for employees of the Govern-*
9 *ment, does not impair the right of the employee to com-*
10 *pensation for scheduled disabilities specified by section 8107*
11 *of title 5, United States Code.*

12 **SEC. 3538. DUAL COMPENSATION—OTHER EMPLOYEES.**

13 *An individual entitled to receive compensation under*
14 *this title because of a cancer (including a specified cancer),*
15 *chronic silicosis, covered beryllium illness, or death covered*
16 *by this title of a covered employee, who also is entitled to*
17 *receive from the United States under a provision of a stat-*
18 *ute other than this title payments or benefits for that in-*
19 *jury, illness or death (except proceeds of an insurance pol-*
20 *icy), because of service by such employee (or in the case*
21 *of death, by the deceased) as an employee or in the Armed*
22 *Forces, shall elect which benefits to receive. The individual*
23 *shall make the election within the time allowed by the Sec-*
24 *retary of Labor. The election when made is irrevocable, ex-*
25 *cept as otherwise provided by statute.*

1 **SEC. 3539. EXCLUSIVITY OF REMEDY AGAINST THE UNITED**
2 **STATES, CONTRACTORS, AND SUBCONTRACTORS.**
3 **TORS.**

4 (a) *IN GENERAL.*—*The liability of the United States*
5 *or an instrumentality of the United States under this title*
6 *with respect to a cancer (including a specified cancer),*
7 *chronic silicosis, covered beryllium illness, or death of a cov-*
8 *ered employee is exclusive and instead of all other*
9 *liability—*

10 (1) *of—*

11 (A) *the United States;*

12 (B) *any instrumentality of the United*
13 *States;*

14 (C) *a contractor that contracted with the*
15 *Department of Energy to provide management*
16 *and operation, management and integration, or*
17 *environmental remediation of a Department of*
18 *Energy facility (in its capacity as a contractor);*

19 (D) *a subcontractor that provided services,*
20 *including construction, at a Department of En-*
21 *ergy facility (in its capacity as a subcontractor);*
22 *and*

23 (E) *an employee, agent, or assign of an en-*
24 *tity specified in subparagraphs (A) through (D);*

25 (2) *to—*

26 (A) *the covered employee;*

1 (B) the covered employee's legal representa-
2 tive, spouse, dependents, survivors and next of
3 kin; and

4 (C) any other person, including any third
5 party as to whom the covered employee has a
6 cause of action relating to the cancer (including
7 a specified cancer), chronic silicosis, covered be-
8 ryllium illness, or death, otherwise entitled to re-
9 cover damages from the United States, the in-
10 strumentality, the contractor, the subcontractor,
11 or the employee, agent, or assign of one of them;
12 because of the cancer (including a specified cancer), chronic
13 silicosis, covered beryllium illness, or death in any pro-
14 ceeding or action including a direct judicial proceeding, a
15 civil action, a proceeding in admiralty, or a proceeding
16 under a tort liability statute or the common law.

17 (b) *APPLICABILITY.*—This section applies to all cases
18 filed on after July 31, 2000.

19 (c) *WORKERS' COMPENSATION.*—This section does not
20 apply to an administrative or judicial proceeding under a
21 State or Federal workers' compensation statute subject to
22 sections 3534 through 3538.

1 **SEC. 3540 ELECTION OF REMEDY AGAINST BERYLLIUM VEN-**
2 **DORS AND ATOMIC WEAPONS EMPLOYERS.**

3 (a) *BERYLLIUM VENDORS.*—If an individual elects to
4 accept payment under this title with respect to a covered
5 beryllium illness or death of a covered employee, that ac-
6 ceptance of payment shall be in full settlement of all tort
7 claims related to such covered beryllium illness or death—

8 (1) *against—*

9 (A) *a beryllium vendor or a contractor or*
10 *subcontractor of a beryllium vendor; and*

11 (B) *an employee, agent, or assign of a be-*
12 *ryllium vendor or of a contractor or subcon-*
13 *tractor of a beryllium vendor;*

14 (2) *by—*

15 (A) *that individual;*

16 (B) *that individual's legal representative,*
17 *spouse, dependents, survivors, and next of kin;*
18 *and*

19 (C) *any other person, including any third*
20 *party as to whom a covered employee has a*
21 *cause of action relating to the covered beryllium*
22 *illness or death, otherwise entitled to recover*
23 *damages from the beryllium vendor, the con-*
24 *tractor or subcontractor of the beryllium vendor,*
25 *or the employee, agent, or assign of the beryllium*

1 *vendor, of the contractor or subcontractor of the*
2 *beryllium vendor;*
3 *that arise out of the covered beryllium illness or death in*
4 *any proceeding or action including a direct judicial pro-*
5 *ceeding, a civil action, a proceeding in admiralty, or pro-*
6 *ceeding under a tort liability statute or the common law.*

7 *(b) ATOMIC WEAPONS EMPLOYER.—If an individual*
8 *elects to accept payment under this title with respect to a*
9 *cancer (including a specified cancer) or death of a covered*
10 *employee, that acceptance of payment shall be in full settle-*
11 *ment of all tort claims—*

12 *(1) against—*

13 *(A) an atomic weapons employer; and*

14 *(B) an employee, agent, or assign of an*
15 *atomic weapons employer;*

16 *(2) by—*

17 *(A) that individual;*

18 *(B) that individual's legal representative,*
19 *spouse, dependents, survivors, and next of kin;*
20 *and*

21 *(C) any other person, including any third*
22 *party as to whom a covered employee has a*
23 *cause of action relating to the cancer (including*
24 *a specified cancer) or death, otherwise entitled to*
25 *recover damages from the atomic weapons em-*

1 *ployer, or the employee, agent, or assign of the*
2 *atomic weapons employer;*
3 *that arise out of the cancer (including a specified cancer)*
4 *or death in any proceeding or action including a direct ju-*
5 *dicial proceeding, a civil action, a proceeding in admiralty,*
6 *or proceeding under a tort liability statute or the common*
7 *law.*

8 *(c) APPLICABILITY.—*

9 *(1) IN GENERAL.—With respect to a case filed*
10 *after the date of enactment of this title, alleging li-*
11 *ability of—*

12 *(A) a beryllium vendor or a contractor or*
13 *subcontractor of a beryllium vendor for a covered*
14 *beryllium illness or death of a covered beryllium*
15 *employee; or*

16 *(B) an atomic weapons employer for a can-*
17 *cer (including a specified cancer) or death of a*
18 *covered employee;*

19 *the plaintiff shall not be eligible for benefits under*
20 *this title unless the plaintiff files such case within the*
21 *applicable time limits in paragraph (2).*

22 *(2) TIME LIMITS.—*

23 *(A) SUITS AGAINST BERYLLIUM VENDORS.—*

24 *Except as provided in subparagraph (B), a case*

1 *described in paragraph (1)(A) shall be filed not*
2 *later than the later of—*

3 *(i) 180 days after the date of enact-*
4 *ment of this title; or*

5 *(ii) 180 days after the date the plain-*
6 *tiff first becomes aware that a covered beryl-*
7 *lium illness or death of a covered beryllium*
8 *employee may be connected to the exposure*
9 *of the covered employee to beryllium in the*
10 *performance of duty.*

11 *(B) NEW DIAGNOSES.—A new period of*
12 *limitation under subparagraph (A)(ii) shall*
13 *commence with each new diagnosis of a covered*
14 *beryllium illness that is different from a pre-*
15 *viously diagnosed covered beryllium illness.*

16 *(C) SUITS AGAINST ATOMIC WEAPONS EM-*
17 *PLOYERS.—Except as provided in subparagraph*
18 *(D), a case described in paragraph (1)(B) shall*
19 *be filed not later than the later of—*

20 *(i) 180 days after the date of enact-*
21 *ment of this title; or*

22 *(ii) 180 days after the date the plain-*
23 *tiff first becomes aware that a cancer (in-*
24 *cluding a specified cancer) or death of a*
25 *covered employee may be connected to the*

1 *exposure of the covered employee to radi-*
 2 *ation in the performance of duty.*

3 *(D) NEW DIAGNOSES.—A new period of*
 4 *limitation under subparagraph (C)(ii) shall*
 5 *commence with each new diagnosis of a cancer*
 6 *(including a specified cancer) that is different*
 7 *from a previously diagnosed cancer.*

8 *(c) WORKERS' COMPENSATION.—This section does not*
 9 *apply to an administrative or judicial proceeding under a*
 10 *State or Federal workers' compensation statute subject to*
 11 *sections 3534 through 3538.*

12 **SEC. 3541. SUBROGATION OF THE UNITED STATES.**

13 *(a) IN GENERAL.—If a cancer (including a specified*
 14 *cancer), covered beryllium illness, chronic silicosis, dis-*
 15 *ability, or death for which compensation is payable under*
 16 *this title is caused under circumstances creating a legal li-*
 17 *ability in a person other than the United States to pay*
 18 *damages, sections 8131 and 8132 of title 5, United States*
 19 *Code, shall apply, except to the extent specified in this title.*

20 *(b) APPEARANCE OF EMPLOYEE.—For the purposes of*
 21 *this title, the provision in section 8131 of title 5, United*
 22 *States Code, that provides that an employee required to ap-*
 23 *pear as a party or witness in the prosecution of an action*
 24 *described in that section is in an active duty status while*
 25 *so engaged shall only apply to a Federal employee.*

1 **SEC. 3542. ENERGY EMPLOYEES' OCCUPATIONAL ILLNESS**
2 **COMPENSATION FUND.**

3 (a) *ESTABLISHMENT.*—*There is hereby established on*
4 *the books of the Treasury a fund to be known as the Energy*
5 *Employees' Occupational Illness Compensation Fund. The*
6 *Secretary of the Treasury shall transfer to the Fund from*
7 *the general fund of the Treasury the amounts necessary to*
8 *carry out the purposes of this title.*

9 (b) *USE OF THE FUND.*—*Amounts in the Fund shall*
10 *be used for the payment of compensation under this title*
11 *and other benefits and expenses authorized by this title or*
12 *any extension or application thereof, and for payment of*
13 *all expenses of the administration of this title.*

14 (c) *COST DETERMINATIONS.*—(1) *Within 45 days of*
15 *the end of every quarter of every fiscal year, the Secretary*
16 *of Labor shall determine the total costs of compensation,*
17 *benefits, administrative expenses, and other payments made*
18 *from the Fund during the quarter just ended; the end-of-*
19 *quarter balance in the Fund; and the amount anticipated*
20 *to be needed during the immediately succeeding two quar-*
21 *ters for the payment of compensation, benefits, and admin-*
22 *istrative expenses under this title.*

23 (2) *In making the determination under paragraph (1),*
24 *the Secretary of Labor shall include, without amendment,*
25 *information provided by the Secretary of Energy and the*
26 *Secretary of Health and Human Services on the total costs*

1 *and amounts anticipated to be needed for their activities*
2 *under this title.*

3 (3) *Each cost determination made in the last quarter*
4 *of the fiscal year under paragraph (1) shall show, in addi-*
5 *tion, the total costs of compensation, benefits, administra-*
6 *tive expenses, and other payments from the Fund during*
7 *the preceding 12-month expense period and an estimate of*
8 *the expenditures from the Fund for the payment of com-*
9 *ensation, benefits, administrative expenses, and other pay-*
10 *ments for each of the immediately succeeding two fiscal*
11 *years.*

12 (d) *ASSURING AVAILABLE BALANCE IN THE FUND.—*
13 *Upon application of the Secretary of Labor, the Secretary*
14 *of the Treasury shall advance such sums from the Treasury*
15 *as are projected by the Secretary of Labor to be necessary,*
16 *for the period of time equaling the date of a projected defi-*
17 *ciency in the Fund through 90 days following the end of*
18 *the fiscal year, for the payment of compensation and other*
19 *benefits and expenses authorized by this title or any exten-*
20 *sion or application thereof, and for payment of all expenses*
21 *of administering this title.*

22 **SEC. 3543. EFFECTIVE DATE.**

23 *This title is effective upon enactment, and applies to*
24 *all claims, civil actions, and proceedings pending on, or*
25 *filed on or after, the date of enactment of this title.*

1 **SEC. 3544. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) Section 1920 of title 18 is amended by inserting
3 in the title “or Energy employee’s” after “Federal employ-
4 ee’s” and by inserting “or the Energy Employees’ Occupa-
5 tional Illness Compensation Act of 2000” after “title 5”.

6 (b) Section 1921 of title 18 is amended by inserting
7 in the title “or Energy employees” after “Federal employ-
8 ees” and by inserting “or the Energy Employees’ Occupa-
9 tional Illness Compensation Act of 2000” after “title 5”.

10 (c) Section 210(a)(1) of the Energy Reorganization
11 Act of 1974 (42 U.S.C. 5851(a)(1)) is amended by—

12 (1) in subparagraph (E), striking “or;” and in-
13 serting “;”,

14 (2) in subparagraph (F), striking the period and
15 inserting “; or”, and

16 (3) after subparagraph (F) inserting a new sub-
17 paragraph as follows:

18 “(G) filed an application for benefits or as-
19 sistance under the Energy Employees Occupa-
20 tional Illness Compensation Act of 2000”.

21 (d) Title II of the Department of Energy Organization
22 Act (P.L. 95–91) is amended by adding at the end of the
23 title the following:

24 “OFFICE OF WORKERS’ COMPENSATION ADVOCATE

25 “SEC. 217. (a) There shall be within the Department
26 an Office of Workers’ Compensation Advocate. The Office

1 *shall be headed by a Director who shall be appointed by*
2 *the Secretary. The Director shall be compensated at the rate*
3 *provided for in level IV of the Executive Schedule under*
4 *section 5315 of title 5, United States Code.*

5 “(b) *The Director shall be responsible for providing in-*
6 *formation, research reports, and studies to support the im-*
7 *plementation of the Energy Employees’ Occupational Ill-*
8 *ness Compensation Act of 2000. Not later than 90 days after*
9 *the date of enactment of this section, the Director shall enter*
10 *into memoranda of agreement to provide for coordination*
11 *of the efforts of the office with the Department of Labor and*
12 *the Department of Health and Human Services.*

13 “(c) *The Director shall coordinate efforts within the*
14 *Department to collect and make available to present and*
15 *former employees of the Department and its predecessor*
16 *agencies, present and former employees of contractors and*
17 *subcontractors to the Department and its predecessor agen-*
18 *cies, and other individuals who are or were present at fa-*
19 *cilities owned or operated by the Department or its prede-*
20 *cessor agencies information on occupational conditions and*
21 *exposures to health hazards. Such information shall include*
22 *information on substances and their chemical forms to*
23 *which employees may have been exposed, records and stud-*
24 *ies relevant to determining occupational hazards, raw do-*
25 *simetry and industrial hygiene data, results from medical*

1 screening programs, accident and other relevant occurrence
2 reports, and reports, assessments, or reviews by contractors,
3 consultants, or external entities relevant to assessing risk
4 of occupational hazards or illness.

5 “(d) If the Director determines that—

6 “(1) an entity within the Department or an en-
7 tity that is the recipient of a Departmental grant,
8 contract, or cooperative agreement possesses informa-
9 tion necessary to carry out the provisions of the En-
10 ergy Employees’ Occupational Illness Compensation
11 Act of 2000; and

12 “(2) the production and sharing of that informa-
13 tion under the provisions of the Energy Employees’
14 Occupational Illness Compensation Act of 2000 is
15 being unreasonably delayed;

16 the Director shall have the authority, notwithstanding sec-
17 tion 3213 of the National Nuclear Security Administration
18 Act, to direct such entity to produce expeditiously such in-
19 formation in accordance with the provisions of this section
20 and the Energy Employees’ Occupational Illness Com-
21 pensation Act of 2000.

22 “(e) The Director shall take actions to inform and as-
23 sist potential claimants under the Energy Employees’ Occu-

- 1 *pational Illness Compensation Act of 2000, pursuant to sec-*
- 2 *tion 3515(e) of such Act.”.*

Attest:

Secretary.

106TH CONGRESS
2D SESSION

H. R. 4205

AMENDMENT